English Translations of

# Majmoo'al-Fatawa of Permanent Committee for Scholarly Research and *ifta*' of K.S.A

## First Collection

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**This file is volume No.21 of 26**

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## Breastfeeding

**The fourth question of Fatwa no. 18401**

**Q 4: i am a thirty-year-old man. i was breastfed by my paternal grandfather's wife (not my grandmother). This woman is now dead, and we do not know the number of times of breastfeeding. All we know is that she breastfed me. Is it permissible for me to shake hands with my cousins, or my father's nieces? Am I considered their paternal uncle or not? Are they Mahrams (unmarriageable relatives) for me or not? May Allah protect you and reward you.**

**A:** As the number of times of breastfeeding is unknown, you should take precaution and not consider it breastfeeding that prevents marriage, as there is a possibility that its conditions were not met. Thus, the mentioned women are not considered Mahrams for you. As there is also a possibility that its conditions were met, then you had better not marry one of them either. It is known in Shari`ah (Islamic law) that precaution in marriage is observed more carefully than anything else, according to the saying of the Prophet (peace be upon him), (Leave what causes you doubt and turn to what does not cause you doubt.) The Prophet (peace be upon him) also said, (Those who guard themselves against doubtful things keep their religion and honor blameless.)

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**The first question of Fatwa no. 264**

**Q 1: Allah (Exalted be He) prohibits one to marry his milk sister; is a person forbidden to marry the girl that nursed from his mother when he is born earlier and is older than her? If a man has two wives and a boy is breastfed by one of them, would the daughters of the two wives be forbidden to him? What is the standard number of suckles that establishes prohibition?**

**A 1:** If someone is breastfed by a woman the breastfeeding that renders marriage unlawful, he shall be considered her milk son and a brother of all her male and female children, regardless of whether they are born at or after the time of breastfeeding. This is based on the generality of His (Exalted be He) Saying, ﴿your foster milk suckling sisters﴾ If someone is breastfed by one of a man's wives in a manner that renders marriage unlawful, all the children of this man should be considered milk-brothers and milk-sisters to the breastfed person, whether he is breastfed by one or the two wives. That is because the man is the main cause of milk. The breastfeeding that renders marriage unlawful is that of five times or more during the first two years, bearing in mind that one time of breastfeeding is counted when the baby holds the breast, suckles milk, and leaves it to take a breath or to move.

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**The fourteenth question of Fatwa no. 5953**

**Q 14: some mothers do not breast-feed their babies to preserve their own health and others do not breast-feed their babies for the full period of two years. Are they considered sinners for doing so? Please answer me. May Allah grant you success!**

**A:** It is Wajib (obligatory) for mothers to breast-feed their babies and look after their health. It is impermissible for them to depend entirely on imported milk or any other milk other than the breast milk unless their husbands approve of doing this and no harm is expected to afflict the babies.

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**The second question of Fatwa no. 9797**

**Q 2: Is it permissible for a mother to breast-feed her baby while she is in a state of Janabah (major ritual impurity related to sexual discharge)? If not, what does she have to do if she has already done this? Please provide us with your beneficial answer.**

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**May Allah reward you best!**

**A:** It is permissible for mothers to breast-feed their babies while they are in a state of Janabah.

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**Fatwa no. 12900**

**Q: One of my brothers was breast-fed more than twenty times by his maternal grandmother. Does he have any right in her inheritance? Is it permissible for him to marry one of the daughters of his maternal uncle or maternal aunts? Finally, is it permissible for me to marry any of them?**

**A:** breastfeeding that affects marriageability refers to breast-feeding a baby for five times or more during the first two years of the baby's life. Accordingly, if your brother was breast-fed by your maternal grandmother as you mentioned in the question; he is considered her son by breastfeeding and a brother by breastfeeding to all her children. It is impermissible for him to marry any of the daughters of his maternal uncle or maternal aunts for they are considered his nieces on account of the breastfeeding ties. Moreover, it is impermissible for him to inherit from his maternal grandmother, since breastfeeding is not a reason that entitles a person being breast-fed by someone to a share in the latter's inheritance. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ until He

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says: ﴾your foster milk suckling sisters﴿ He (Exalted be He) also says: ﴾The mothers shall give suck to their children for two whole years﴿ Besides, it was authentically reported that the Prophet (peace be upon him) said: ﴾"Breastfeeding makes unlawful what parturition makes unlawful."﴿ Moreover, it was authentically reported on the authority of `Aishah (may Allah be pleased with her) who said: "It was revealed in the Qur'an: 'Ten exact times of breastfeeding affect marriageability.' Then this was abrogated by: 'Five exact times' and the Prophet (peace be upon him) then died while the ruling was settled as such." It may be worth mentioning that one breastfeeding is counted when the baby holds the breast and sucks milk from it. If the baby releases the breast then holds it and sucks milk again, this will be counted as a second time and so on. As for those amongst the brothers of your concerned brother who did not breastfeed from your maternal grandmother, it is permissible for them to marry any of the daughters of your maternal uncles and maternal aunts, for they are not affected by the case of your brother.

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**Fatwa no. 4168**

**Q: A baby boy was brought up by his paternal aunt and he sucked her breast. She had no children; and when she died, her husband granted the boy all his wealth. Would that boy be considered her son by breastfeeding?**

**A:** breastfeeding that affects marriageability refers to breast-feeding a baby for five times or more during the first two years of the baby's life. One breastfeeding is counted when the baby holds the breast and sucks milk from it. If the baby releases the breast to take a breath, for example, and holds it and sucks milk again, this will be counted as a second time and so on.

If the baby boy mentioned above was breast-fed by his paternal aunt for five times or more during the first two years of his life, he would be considered her son by breastfeeding even if she had no children. However, if the baby boy received less than five times of breastfeeding or he sucked no milk from the breast, he would not be considered her son by breastfeeding.

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**Fatwa no. 15018**

**Q: A one-and-half-year-old baby drank the breast milk of his aunt that was discharged in a cup to get rid of. Would it be permissible for this child to marry his aunt's daughters?**

**A:** breastfeeding that affects marriageability must take place in the first two years of the baby's life and must be for five times or more. One breastfeeding is counted when the baby holds the breast and sucks milk from it. If he releases the breast, to take a breath or move to the other breast, then holds it and sucks milk again, this is the second time and so on until they become five times. If they are less than five, even by one, this does not affect marriageability. Allah (Exalted be He) says when specifying Mahrams (spouse or unmarriageable relatives): ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (peace be upon him) said in the following Hadith, which was agreed upon by Al-Bukhari and Muslim: ﴾"Relations due to breastfeeding forbid what blood relations do (regarding marital affairs)."﴿ Also Imam Muslim related on the authority of `Aishah (may Allah be pleased with her) that she said: ﴾It had been revealed in the Qur'an that ten clear times of breastfeeding affect marriageability, then it (i.e. this ruling) was abrogated (and substituted) by five clear times of breastfeeding. Allah's Messenger (peace be upon him) died and it (i.e. this ruling) was recited in the Qur'an (i.e. the ruling had been settled as such)."﴿ If the child was breast-fed for five times or if he

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drank the breast milk from a vessel for the same number of times, he would become his aunt's son by breasting and a brother by breastfeeding to all her sons and daughters. If they were less than five times of breastfeeding, even by one, the aunt would not be his mother by breastfeeding. In case there was any doubt about the times of breastfeeding, whether they were five or less, then the basic rule would be that they were less than five and, thus, this would not affect marriageability.

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**Fatwa no. 13178**

**Q: I want to marry my cousin, but she was suckled by my mother indirectly. Because my mother suffered from a skin disease, she used to discharge her milk in a bottle and my cousin would drink it. Is it permissible for me to marry her?**

**A:** breastfeeding that affects marriageability refers to breast-feeding a baby for at least five times during the first two years of the baby's life. If your cousin had sucked your mother's milk for this number of times, she would be your mother's daughter by breastfeeding and your sister by breastfeeding, even if she drank this breast milk from a bottle. Subsequently, it is not permissible for you to marry her, because she is your sister by breastfeeding.

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Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His Saying: ﴾your foster milk suckling sisters﴿ Allah (Exalted be He) also says: ﴾The mothers shall give suck to their children for two whole years﴿ It was authentically reported that the Prophet (peace be upon him) said: ﴾"Breastfeeding makes unlawful what parturition makes unlawful (regarding marital affairs)."﴿ It was authentically reported on the authority of `Aishah (may Allah be pleased with her) who narrated: "It was revealed in the Qur'an: "Ten exact times of breastfeeding affect marriageability.' Then this was abrogated by: 'Five exact times' and the Prophet (peace be upon him) then died while the ruling was settled as such."

It should be noted that one breastfeeding counts when the baby holds the breast and sucks milk from it. If the baby releases the breast then holds it and sucks milk again, this is a second time of breastfeeding and so on.

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**Fatwa no. 14829**

**Q: Five months after my paternal cousin got married, he died (may Allah be merciful with him) leaving a pregnant wife. She gave birth to a girl and with the completion of her `Iddah (woman's prescribed waiting period after divorce or widowhood), she got married to another man. I took the girl since her mother traveled to her family.**

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**I wanted my wife to breastfeed the girl to provide her with a foster father, mother, and brothers, as she has on one else but Allah and then us. However, the girl refused to suckle from my wife's breast since she was used to drinking artificial baby milk from a bottle. We took some of my wife's milk, put it in the bottle and fed the girl for six full times. Now my son is one year and a half while the girl is one year old. Is the girl now the foster sister of my children while I am her foster father and my wife her foster mother or not? Please respond, and may Allah reward you !**

**A:** the breastfeeding that deems marriage unlawful is five or more times during the first two years. If your wife breastfed the girl in this manner, she will be your foster daughter and the foster sister of all your children, even if she drank the milk through the bottle. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ up to: ﴾your foster milk suckling sisters﴿ Allah (Exalted be He) also says: ﴾The mothers shall give suck to their children for two whole years﴿ Further, it is confirmed that the Prophet (peace be upon him) stated: ("Milk-relations

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forbid what blood relations do.") It is related on the authority of `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective." One time of breastfeeding is when the child holds the breast and sucks milk. If the child leaves the breast and then holds it again to suck milk, this will be a second time.

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**The first question of Fatwa no. 13470**

**Q 1: What is the ruling on a woman whose child is more than two years old breastfeeding another child? Is it true that if the woman's own child is more than two years old, breastfeeding another child does not make marriage unlawful?**

**A:** the breastfeeding that deems marriage unlawful is five or more times during the first two years. If the woman breastfeeds the child in this manner, it becomes her milk-son and the milk-brother of all her children, even if her own child is more than two years old. What counts here is the age of the breastfed child and not the age of the woman's own child. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ up to:

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﴾your foster milk suckling sisters﴿ Allah also states: ﴾The mothers shall give suck to their children for two whole years﴿ Further, it is confirmed that the Prophet (peace be upon him) said: ﴾"Milk-relations forbid what blood relations do."﴿ It is related on the authority of `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective."

One time of breastfeeding is when the child holds the breast and sucks milk. If the child leaves the breast and then holds it again to suck milk, this is considered a second time.

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Fatwa no. 14532

**Q: I am a girl and I live with my maternal male cousins like a sister lives with her brothers since they are my milk-brothers. After all these years, my maternal aunt now says that she is not sure of the exact number of times**

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**she breastfed me. She says that at the beginning, she breastfed me by mistake, thinking I was her daughter who was of the same age. Later, she breastfed me willfully and that is all that she has said. Please give us the Islamic ruling in this regard. May Allah benefit you and make you a good example for all Muslims. Am I considered my maternal aunt's milk-daughter and the milk-sisters of her sons or not? Peace be upon you!**

**A:** the breastfeeding that deems marriage unlawful is five or more times during the first two years. If your maternal aunt has breastfed you in this manner, whether it was intentional or by mistake, you are her milk-daughter and the milk-sister of all her sons. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ up to: ﴾your foster milk suckling sisters﴿ Allah (Exalted be He) also states: ﴾The mothers shall give suck to their children for two whole years﴿ Further, it is confirmed that the Prophet (peace be upon him) stated: ﴾"Milk-relations forbid what blood relations do."﴿ It is related on the authority of `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective." One time of breastfeeding is when the child holds

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the breast and sucks milk. If the child leaves the breast and then holds it again to suck milk, this is considered a second time. If the times of breastfeeding are less than 5 times, marriage is not prohibited and you must cover yourself in the presence of your cousins.

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**Fatwa no. 3085**

**Q: Are children who drink from the same infant milk formulas considered siblings?**

**A:** No, they are not, for this does not carry the same ruling on suckling that renders marriage unlawful.

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**Fatwa no. 13587**

**Q: Is it permissible for a mother to feed her baby Nido or any other**



**formula milk if her milk is not enough to feed the baby?**

**A:** there is no harm in a woman nursing her baby with formula milk. this milk does not spread the unmarriageable nursing link.

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**Fatwa no. 14122**

**Q: A sister died leaving behind a daughter in her first month of age. While breathing her last breath, she asked her two sisters to breastfeed her daughter until the period of suckling ends. however, her husband prevented the sisters from breastfeeding his daughter. He took his daughter to another woman to breastfeed her and refused to let her aunts breastfeed her. Is there any sin on the aunts' part or not? May Allah reward you with the best!**

**A:** There is no blame on the aunts for not suckling their sister's daughter, since the child's father refused.

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**Fatwa no. 4175**

**Q: We are three brothers and each of us has children. Our mother who is sixty years old breastfed a son of my brother and after sixteen years she did the same with my son. She used to insert her nipples into the mouth of the child to make him stop crying. She told us that she felt that fluid came out of her breast into the mouth of the child many times. Is it prohibited for my sons to marry the daughters of my brothers? May Allah reward you with the best!**

**A:** If the case is as mentioned above, and breastfeeding occurred five times or more in the first two years of the child's life, it would be prohibited for the son who was breastfed to marry daughters of his paternal uncles and aunts. He became a foster brother to his paternal uncles and aunts, and became a paternal uncle to their children.

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Allah (Exalted be He) says: (The mothers shall give suck to their children for two whole years) He also says: (Forbidden to you (for marriage) are: your mothers, your daughters) to His saying: (your brother's daughters, your sister's daughters) It was authentically reported that the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.) It was narrated on the authority of `Aishah (may Allah be pleased with her) that she said: It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective. If the baby sucks milk from the breast and leaves it, this would count as one time of breastfeeding. If he returns to the breast, it would be another one, and so on.

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**Fatwa no. 5297**

**Q: A woman was breast-fed by her paternal grandmother, even though the grandmother was not pregnant and had been a widow for thirty years.**



**The woman claimed to be the sister of her paternal uncle, and her uncle's children were used to call her "aunt". Accordingly, she did not observe Hijab (veil) in front of them. Did the breastfeeding that took place render them as brother and sister?**

**A:** when a grandmother breast-feeds her granddaughter five times or more during the first two years of the child's life, the grandmother is considered the mother of this granddaughter by breastfeeding and - in turn - this granddaughter is considered the sister of all her grandmother's children by breastfeeding, even if the grandmother is old and her husband has been dead. This is because the basic rule is the discharge of milk and not the presence of a husband or the age of the woman.

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**Fatwa no. 8876**

**Q: A person was breastfed by his paternal grandmother when he was two years old while she was seventy-five years old. Few drops of milk were discharged. Is it permissible for this person to marry the daughter of his full paternal uncle?**

**A:** the number of times of breastfeeding which prohibit marriage is five times or more in the first two years of the infant's age. If this was the case, then his grandmother becomes his foster mother, her children are his foster brothers and sisters, and he becomes an uncle to their children.

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Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters, your sisters﴿ to ﴾your brother's daughters, your sister's daughters﴿ He (Exalted be He) also states: ﴾The mothers shall give suck to their children for two whole years﴿ It was authentically reported that the Prophet (peace be upon him) states: ﴾Foster relations are treated like blood relations in marital affairs.﴿ On the authority of `Aishah (may Allah be pleased with her): It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective.

Breastfeeding means that an infant takes hold of the breast and sucks milk, and if it stops suckling (for sometime) and then suckles again it is considered a second suckling, and so on.

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**The second question of Fatwa no. 8839**

**Q 2: There is a girl whose mother died when she was forty days old. Her paternal grandmother raised her and fed her**

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**camel and sheep milk. It was also said that she used to breastfeed her before sleeping so that she would not miss her mother. Some women claim that they had seen milk coming from the woman's breast, although she was more than eighty years old, and her husband had died twenty years ago. Is it lawful for that girl to marry her paternal cousin, given that she was breastfed by the same woman who breastfed her father-in-law? The disagreement was about whether what came out of the woman's breast was milk or water. Please advise, may Allah inform you.**

**A:** If it is proven that what came out of the woman's breast was milk, and she breastfed her five times or more in her toddler years, it is prohibited for them to marry, as she is thus considered his foster aunt. Allah (Exalted be He) says, ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ He also says, ﴾Forbidden to you (for marriage) are: your mothers﴿ until He says, ﴾your father's sisters﴿ It was authentically reported that the Prophet (peace be upon him) said, ﴾Foster relationships are equal to blood relationships in rendering marriage unlawful.﴿ It was authentically reported from `Aishah (may Allah be pleased with her) that she said, "It had been revealed in the Qur'an that ten clear times of breastfeeding make marriage unlawful, then it was abrogated (and substituted) by five clear times of breastfeeding. When the Messenger of Allah (peace be upon him) died, it was what is now recited in the Qur'an." If the breastfeeding was less than

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five times or after the toddler years, or it was proven that it was not milk, it is lawful for them to marry, bearing in mind that if a baby sucks even little milk from the breast and then leaves it, this is considered one time of breastfeeding. If it does it again, this is considered another time, and so on.

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Fatwa no. 14372

**Q: I would like to marry my cousin, but I have a question and I am in need of your quick answer! May Allah reward you with the best! My father and my uncle are two full-brothers. My father married my mother who gave birth to me and then died. I was only two months of age. My paternal grandmother brought me up but did not have milk in her breasts to breastfeed me. After a short period, it was by the Grace of Allah that she had some milk in her breasts. She breast-fed me until the time of weaning. My uncle has not married yet. When I was 12 years old, my uncle got married and his wife bore him a girl. She is now sixteen years old. Now, is it permissible for me to marry the daughter of my cousin or not?**

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**Please, I need your advice urgently! May Allah reward you with the best!**

**A:** breast-feeding that prohibits marriage takes place at least five times during the first two years of breast-feeding. If your grandmother breast-fed you this way, you are a foster son to her and a foster brother to all her children. Hence, it is unlawful for you to marry your uncle's daughter because she is the daughter of your foster brother. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His Saying: ﴾your foster milk suckling sisters﴿ Allah (Exalted be He) also says: ﴾The mothers shall give suck to their children for two whole years﴿ It is authentically reported from the Prophet (peace be upon him) that he said: ﴾Wet-nursing makes unlawful what consanguinity makes unlawful.﴿ It is also authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: (It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective.)

It should be noted that if the baby sucks the breast then leaves it, it is considered one time for him of breast-feeding and if he did it again, it will be considered a second time of breast-feeding, and so on.

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Fatwa no. 14604

**Q: After the death of my mother, my grandmother brought me up. She has not given birth to children for twenty-five years or more after the death of her husband, i.e. my grandfather. Her youngest son is my fifty-five- year old paternal uncle. I am now twenty-six years old. She breastfed me when I was young after she stopped giving child. This was before my mother bore me. I asked my grandmother whether her breast was full of milk when she breastfed me. She answered that her breast was not full as it was the case when she breastfed my father and my paternal uncle when they were born. She said that it was just like milk mixed with water.**

**My question is: Does such breastfeeding**

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**make it unlawful for me to marry my paternal female cousin? Kindly guide me soon. May Allah reward you the best reward. I look forward to hearing your answer. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)**

**A:** If the breastfeeding was as described in the previous Fatwa no. 14372, you are not permitted to marry your paternal cousin, even if your grandmother's milk was watery and flowed after twenty-five years of her delivery.

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**Fatwa no. 2838**

**Q: I proposed marriage to a Muslim girl who is one of my relatives, and her family accepted. Yet, her mother said that she breastfed me while she was visiting us. I was a baby and crying and she wanted to breastfeed me to keep me quiet as my mother was absent. She put her breast into my mouth, but I refused to drink. Meanwhile, she is not sure if the milk reached my throat or not. She added that the milk was just a few drops. Is it unlawful for me to marry her daughter? Please, clarify the time and manner of the type of breastfeeding that leads to prohibition in marriage.**

**A: Firstly,** if the reality is as you have mentioned that the breastfeeding was done in this way, it is

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permissible for you to marry the daughter of this woman.

**Secondly,** the prohibitive breastfeeding must be five well-known feedings that take place during the first two years of a baby's life, as Allah (Exalted be He) says, ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ It was authentically reported from `Aishah (may Allah be pleased with her) who said, (When the Qur'an was first revealed, the number of breast feedings that established the prohibition of marriage was ten, then this was abrogated and replaced with only five which is well-known, and the Prophet (peace be upon him) passed away when this was the case).

It is noteworthy that if the child suckles the milk, little or much, then he lets go of the nipple, it counts as one feeding. If he suckles the milk, little or much, again, then he stops breastfeeding, it counts as the second feeding and so on. Likewise, if drops of milk reach his throat directly or indirectly through the nose, then the drops stopped even if for a while, it counts as one feeding. If this activity is resumed, it counts as a second feeding and so on.

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(Part No. 21; Page No. 30)

**Fatwa no. 1719**

**Q: An insect broke through my ear, so the mother of my fiancée, Hissah, who is my cousin, dropped some of her breast milk in my ear. She did so only one time. Is it still permissible for me to marry Hissah?**

**A:** It is permissible for the questioner to marry his cousin Hissah. What is mentioned in the question, that the mother of his fiancée dropped some of her breast milk in his ear once, has no effect on the concerned marriage for it is not breastfeeding.

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**The fifth question of Fatwa no. 6360**

**Q 5: What are the prescribed numbers of breastfeeding that renders a child a son or daughter of the wet nurse? In what way are the daughters of the woman who breast-fed my son related to me as the son's mother?**

**A:** breastfeeding that affects marriageability refers to breast-feeding a baby for five times or more during the first two years of the baby's life. One breastfeeding counts when the baby holds the breast and sucks milk from it.

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If the baby releases the breast, then holds it and sucks milk again, this is the second time of breastfeeding and so on until they become five times of breastfeeding. There is no difference whether the child is breast-fed five times consecutively or at intervals. Accordingly, the male and female children of the wet nurse are considered your son's siblings by breastfeeding. However, the male children of this wet nurse are considered Ajanib (men lawful for the woman to marry) for you.

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**The third question of Fatwa no. 9301**

**Q 3: Some people say that breastfeeding ties are established when a child is breast-fed for a number of times, while others say that they are established when the child is breast-fed five times to their fill. When exactly are breastfeeding ties established? What is the difference between breastfeeding and sucking?**

**A:** breastfeeding ties are established when the baby is breast-fed five times or more during the first two years of the baby's life. Breastfeeding and sucking are interchangeable terms. One breastfeeding counts when the baby holds the breast and sucks milk from it into the stomach. If the baby releases the breast then holds it and sucks milk again, this is a second time of breastfeeding, and son on. If the baby is breast-fed less than five times or after they have passed the first two years of life, no breastfeeding ties are established.

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Fatwa no. 11132

**Q: I have a foster brother and I usually take off my Hijab (veil) in his presence. By chance, my mother told me that she breastfed him five times or more, but not at full, because he used to take her breast directly after he finishes with his mother. I was informed that his mother breastfed me one time at full. Is he a foster brother to me? Please, advise. May Allah reward you with the best!**

**A:** breastfeeding that prohibits marriage must occur five times or more during the first two years of the baby's life. If your mother breastfed the man in question according to the way mentioned above, he would be considered a foster son to your mother and a foster brother to you and your siblings. Therefore, it is permissible for you to take off your Hijab in his presence. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His saying: ﴾your foster milk suckling sisters﴿ He (Exalted be He) also says:

(Part No. 21; Page No. 33)

﴾The mothers shall give suck to their children for two whole years﴿ It was authentically reported that the Prophet (peace be upon him) said: ﴾Breastfeeding prohibits what consanguinity prohibits, i.e. in marriage.﴿ Moreover, it was authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: (It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective. If the baby takes the breast and sucks milk from it, this will count as one time of breastfeeding. If he leaves and returns to it and sucks milk from it, it will be another one and so on).

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Fatwa No. ( 12916 )

**Q: My wife suckled our neighbors' child without an urgent need, and without telling me about it. She told me about it only after 12 years and said she suckled it one gratifying suckle.**

**The question is: is such a man (the suckled child) a Mahram (unmarriageable relative) as to her as well as her daughters that he can enter the house while neither I nor any**



**Mahram is there? As-salamu `alaykum warahmatullah wabarakatuh (May Allah peace, mercy and blessings be upon you!)**

**A:** If the reality is as you have mentioned, breastfeeding having taken place once only, it would not render the child mentioned above a Mahram to your women. This is based on the Hadith authentically narrated from the Prophet (peace be upon him) who said: (One or two sucklings do not make (the marriage) unlawful.) This is also based on the Hadith authentically reported on the authority of `Aishah (may Allah be pleased with her) who said, "(It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective)". It should be noted that from the time the baby takes his mother's breast until he leaves it is considered one time of suckling, then if he takes it again, it will be considered a second time of suckling and so on.

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**The third question of fatwa no. ( 1813 )**

**Q 3: The son of my maternal aunt asked for the hand of my sister, who was breastfed once by his mother. Is she permitted to marry him? Please, advise and support your response with the legal evidence, as there is a disagreement between us in this regard.**

**A 3:** If the case is as you have mentioned that your sister had been breastfed just one time by your maternal aunt, then the right Fatwa (legal opinion issued by a qualified Muslim scholar) is that suckling only

**(Part No. 21; Page No. 35)**

renders marriage unlawful when it takes place five times or more during the first two years of lactation. Allah (Exalted be He) says: (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) It is authentically reported that `Aishah (may Allah be pleased with her) said that Allah's Messenger (peace be upon him) said: (One suckling or two do not make (marriage) unlawful.) Related by Imam Ahmad, Muslim, and the compilers of Sunan (Hadith compilations classified by jurisprudential themes). It is related on the authority of Um Al-Fadl (may Allah be pleased with both of them) that (A man asked the Prophet (peace be upon him) about the ruling of one suckling. The Prophet (peace be upon him) said: To suck once or twice or have one complete suckling or two do not make marriage unlawful.) According to another narration, she said: (A man came to Allah's Messenger (peace be upon him) when he was in my house and said: Allah's Messenger, I have a wife and I married another woman but my first wife claimed that she had breastfed my newly married wife once or twice. Thereupon, Allah's Messenger (peace be upon him) said: One suckling or two do not make marriage unlawful.) These two Hadiths are related by Ahmad and Muslim. It is also authentically reported that `Aishah (may Allah be pleased with her) said: "It was revealed in the Qur'an that ten clear sucklings prohibit marriage and it was then abrogated by five clear sucklings.

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Allah's Messenger (peace be upon him) died while the latter ruling in force.

These Hadiths clearly negate that just one or two sucklings should render marriage unlawful. The last Hadith related by `Aishah implies that giving less than five sucklings should not render marriage unlawful. This Hadith qualifies the general texts, from which some scholars inferred that suckling, whether little or much, renders marriage absolutely unlawful. These texts include Allah's saying: (Forbidden to you (for marriage) are: your mothers, your daughters) to His saying: (your foster milk suckling sisters) They also qualify the authentic Hadith that the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.) Related by Ahmad, Al-Bukhari, and Muslim. It is worth mentioning that if a baby sucks even little milk from the breast and then leaves it, this is considered one time of suckling. If he does it again and sucks even a little milk and then leaves it, this is considered another time of suckling, etc.

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(Part No. 21; Page No. 37)

Fatwa No. ( 13107 )

**Q: I have a 7 month year old child. A brother in Islam accompanied by his wife visited me. Seeing the child crying when his mother was busy, the man's wife gave the child her breast which he started to suck for about half an hour after which he left it feeling gratified. Is such a woman the child's foster mother, bearing in mind that she does not know how many times she suckled him but knows only the period of suckling, i.e. half an hour or more? Is taking the breast and then leaving it, considered one suckling? Or, does it have to be a gratifying suckling? May Allah reward you well!**

breastfeeding that renders a child a Mahram (unmarriageable relative) is being suckled five or more times within the first two years of the child's life. If the visiting wife breastfed your child in this manner, he would become her foster son and a foster brother to all her children. Allah (Exalted be He) said: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ till he said: ﴾your foster milk suckling sisters﴿ He (Exalted be He) also said: ﴾The mothers shall give suck to their children for two whole years﴿ Moreover, the Prophet (peace be upon him) is authentically reported to have said: ﴾Wet-nursing makes unlawful what consanguinity makes unlawful.﴿ It is also authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: "(It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited,

(Part No. 21; Page No. 38)

but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective. )"

It should be noted that from the time the baby takes his mother's breast until he leaves it is considered one time of suckling, then if he takes it again, it will be considered a second time of suckling and so on.

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Fatwa no. ( 8475 )

**Q: We have a daughter who breastfed with one of her paternal cousins. We discovered this from her maternal uncle who mentioned that this took place twenty-four years ago. Now this paternal cousin wants to marry her. Neither her father nor her siblings know anything about this suckling. Moreover, her maternal uncle does not know how many times her uncle's wife breastfed her, nor whether they were sufficing and satiating. Knowing this, we stopped the marriage and invited her maternal uncle and asked him: "Do you know about the number of breastfeeding?" Whereupon his reply was that he knew nothing about the number of breastfeeding. This led us to suspending the marriage.**

**We hope Your Eminence will advise us, knowing that both mothers died. We hope to receive your answer on this question as soon as possible since their marriage depends on your reply.**

(Part No. 21; Page No. 39)

**A:** Breastfeeding that prohibits marriage takes place only if the baby had five sucklings or more during the first two years. The description of one suckling is as follows: a baby holds a breast and sucks milk. If it leaves it to take a breath or to be moved to another breast, then this is to be counted as one breastfeeding, and so on until five times of breastfeeding are counted. If the number of breastfeeding is less than five, even four, then this breastfeeding does not prohibit marriage. Therefore, if this girl suckled five times or more from her cousin's mother breast, she is unlawful to him. Mentioning Mahrams (spouses or unmarriageable relatives), Allah (Exalted be He) says: ﴿Forbidden to you (for marriage) are: your mothers, your daughters﴾ to His saying: ﴿your foster milk suckling sisters﴾ and: ﴿The mothers shall give suck to their children for two whole years﴾ The Prophet (peace be upon him) said: ﴿Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴾ (Agreed upon by Imams Al-Bukhari and Muslim). It was authentically reported that `Aishah (may Allah be pleased with her) said: "It was revealed in the Qur'an that ten clear sucklings prohibit marriage then it was abrogated (and substituted) by five clear sucklings, and Allah's Messenger (peace be upon him) died while it was likewise." On the other hand, if she had less than five times of suckling, if she was suckled after her first two years, or if her suckling is doubted, it is permissible for him to marry her.

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**The fourth question of Fatwa No. ( 3055 )**

**Q 4: A man and his older brother each have a son. The older brother's son is older than the younger brother's son. The younger brother's wife said that while she was asleep the older brother's son, who had been weaned then, came to her and suckled once when he was not hungry, was weaned and was three years old. Is it permissible for this son to marry one of his paternal uncle's daughters? Or, is it impermissible to do so as the son is the daughter's foster brother?**

**A:** If the reality is as you have mentioned, i.e. the child suckled only once when he was three years old, it will be permissible for such a child to marry one of his paternal uncle's daughters regardless of whether their mother suckled him or not. This is because breastfeeding that prohibits marriage is that consisting of five or more times of suckling within the first two years of a child's life. Allah (Exalted be He) said: ﴿The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴾ It is also authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: "It was

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among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective."

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**Fatwa no. 3975**

**Q: I was breastfed five times by my grandfather's wife, who is also my paternal uncle's mother, when I was three years old, because I was sick. I want to marry my paternal cousin, who was born before me. Is it lawful for me to marry her or not?**

**A:** If the situation is as you mentioned, it is lawful for you to marry your cousin, because you were breastfed by your grandmother after you were two years old, which does not prevent your marriage to her, because Allah (Exalted be He) says (what means): (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) The Prophet (peace be upon him) also said, ("No breastfeeding (creates the relationship of Mahram: unmarriageable relatives), except that which is in the (first) two years (of infancy).") (Related by Al-Darqutny with



a Sahih [authentic] Isnad [chain of narrators])

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**Fatwa no. 21057**

**Q: A woman fed a child with her breast milk mixed with powder milk by use of a nursing bottle but not by direct breastfeeding. Does this make the child her foster son? If so, how can we count the times of breastfeeding? May Allah reward you with the best.**

**A:** women's milk that is mixed with powder milk, water, etc., entails the same ruling as pure milk as long as its qualities persist. This is because drinking it while it keeps its qualities helps the flesh grow and brings the bones together exactly as direct breastfeeding does. Moreover, the ruling on women's milk that is mixed with powder milk as described above and the ruling on pure milk are the same for the generality of proofs in this regard. Some of these proofs are the Hadith in which the Prophet (peace be upon him) said: (Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.) and: (Breastfeeding



is only that brings bones together and grows the flesh.) On the other hand, one time of breastfeeding is counted when the baby stops feeding, i.e. releases one breast to move to another or to breathe. Whenever the baby stops feeding, one time of breastfeeding counts and so on.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 15990

All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family, and Companions.

The Permanent Committee for Scholarly Research and Ifta' reviewed the request submitted to His Eminence the General Mufty (Islamic scholar qualified to issue legal opinions) from His Excellence the Minister of Health, which was referred to the Committee from the Secretariat General of the Council of Senior Scholars with the number (1939) on 23/4/1413 A.H. The following question was posed:

Some doctors feed babies breast milk that is collected from some mothers whose babies are kept in the department.

(Part No. 21; Page No. 44)

The milk is kept in a refrigerator and is given to different babies, without telling their mothers or families, on the pretext that breast milk improves immunity against diseases. We hope Your Eminence would give us the Shar`y (Islamically lawful) ruling on this issue. It is worth mentioning that all health departments have been ordered to stop this sort of breastfeeding - in case it is practiced - in pursuance of the circular number (171 1038 26) on 29/3/1413 A.H. We thank your distinguished efforts in serving Islam and Muslims.

After studying the question, the Committee answered:

According to Shari`ah (Islamic law), it is not permissible to extract milk from mothers and keep it to be used for feeding different babies. This action involves lack of knowledge and leads to violating the taboos on breastfeeding, which by authority of Shari`ah creates a relationship of Mahrams (unmarriageable relatives) from the sides of the breastfeeding woman, the milk owner (i.e. her husband), and the suckling. It is known that breastfeeding relations prohibit what blood relations do (regarding marital relations). The Prophet (peace be upon him) said: ("Whoever guards themselves against doubtful things keeps their religion and honor blameless.") Accordingly, it is not permissible to establish milk banks to feed babies in need of human milk.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The fifth question of Fatwa no. 19328**

**Q 5: my foster mother veils herself from me and orders her daughters to veil themselves from me. What is the religious ruling on this? Should I advise them with regards to the relation of breastfeeding? Will I be blamed for not visiting them?**

**A:** If it is authentically reported that this woman breast-fed you at least five times, she is your foster mother and her daughters are your foster sisters and it is permissible for them to take their veil off in your presence just as they may take it off in the presence of their Mahrams, i.e. unmarriageable relatives. It is also permissible for you to sit in Khulwah (being alone with a member of the opposite sex) with them; because you are one of their Mahrams. However, they do not have to take their veils off in your presence if they do not want to. You will not be committing a sin if you do not visit them, especially if they do not want you to visit them; because they are not the relatives whom you have to maintain ties of kinship with. But it is desirable to maintain ties of kinship with them if you can out of showing gratitude.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The second and third questions of Fatwa no. 17322**

**Q 2: A woman breast-fed me more than five times, so she is considered**

(Part No. 21; Page No. 46)

**my mother by breastfeeding. Is it permissible for my wife to unveil her face in front of that woman's husband?**

**A:** It is permissible for your wife to unveil her face in front of your father by breastfeeding, since he is the one who made your mother by breastfeeding pregnant and enabled her to breast-feed you. Thus, your wife falls under the category of daughters-in-law who are considered Mahrams (unmarriageable relatives) for him. The Prophet (peace be upon him) said: ("Breastfeeding relationships are equal to blood relationships in rendering (marriage) unlawful.")

**Q 3: A woman breast-fed my wife more than five times. Is it permissible for that woman to unveil her face in front of me?**

**A:** It is permissible for your wife's mother by breastfeeding to unveil her face in front of you, as she falls under the category of mothers-in-law who are considered Mahrams for you.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14590

**Q: I married a woman named `Aishah and we have three children. Her elder sister, Fatimah, is also married and has a daughter. When I was seven or eight years old, Fatimah asked me to suck her breasts for they were full of milk and to discharge it out of her breasts in a glass. She claims that**

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**I did what she has asked me. She delivered another child after a while and asked me to do the same. She claims that in the second time, she woke me up and asked me to suck her breasts. However, the milk I swallowed was more than the milk I discharged in the glass because I was sleepy. She says that I received more than ten sucklings. I am now married to Fatimah's youngest sister and we have three children.**

**Is my marriage to her sister, `Aishah, valid or not?**

**Are Fatimah's children my foster brothers?**

**Please advise, May Allah reward you.**

**A:** If the matter is as you have described, your breastfeeding from Fatimah does not make you unlawful to her sister, because you were eight or nine years old. the period of breastfeeding that makes marriage to foster-siblings unlawful is in the first two years of the infant. Allah (Exalted be He) states: ﴾The mothers shall give suck to their children for two whole years﴿ Therefore, this does not affect your marriage.

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**Fatwa no. 3478**

**Q: I proposed to my maternal uncle's daughter, but he told me that I was breastfed by her grandmother, or my uncle's mother, when she was an elderly woman. Please advise concerning this matter.**

**A:** If the situation is as you have mentioned, that the grandmother who breastfed you had no milk in her breasts, it is permissible for you to marry your mentioned cousin. However, you must be sure that your grandmother had no milk in her breasts, either by asking her if she is still alive, or by asking those who knew her at that time, in case the breastfeeding took place five times or more during the toddler years. However, if it was less than five times, it does not prohibit marriage, according to the Hadith narrated by `Aishah (may Allah be pleased with her) who said, "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective." Related by Muslim.

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If the breastfeeding takes place after the toddler years, it does not prohibit marriage, according to Allah's saying, ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿

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Fatwa no. 10713

**Q: I would like to ask Your Eminence concerning the ruling on a child, who was taken by a couple, when he was two months or less, from an orphanage to raise him as their own, because they had no children and they were old. After a period of time the husband died and the wife has been living alone with the child, cherishing and loving him as a mother would do with her own son. She has asked me to send you a question about the ruling on her relation with the child, as he grows older. Is he considered her Mahram (an unmarriageable relative), or should she observe Hijab (veil) in his presence, because it has come to her knowledge that he is not a Mahram for her? She feels great attachment to this child, as she has brought him up as her own son, and he calls her**



**as any child would call his mother. She says that she tried to breast-feed him when he was an infant, but her breasts discharged no milk. Now, the child is about four or five years of age. She feels confused about him, because she is greatly inclined to him as her own child. I hope Your Eminence would give a sufficient answer in this regard. Is he a Mahram for her? Please bear in mind that he has had no share in the inheritance of her deceased husband according to the Shar`y (Islamically lawful) rulings. The mother asks whether this child is a Mahram for her like her son and, thus, she does not need to observe Hijab in his presence or not.**

**A:** The child taken by the husband and his wife is a stranger to them and has no ties with them, whether on account of consanguinity, marriage, or any other relationship. Since the woman did not breast-feed the child when he was still an infant, she is obligated to observe Hijab when this child becomes of age. She is rewarded for raising, adopting, and sustaining him. We hope that Allah (Exalted be He) would multiply her reward.

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**Fatwa no. 12622**

**Q: My half-uncle was a baby when his mother left him**

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**to my grandfather (may Allah forgive him) after an argument between them. My mother (may Allah be merciful with her) took care of him, as he is a brother of her husband and a baby who needs breast-feeding. since she did not have milk in her breast, she used to put drops of milk on her breast to encourage him to suck. Now, my uncle has eligible girls for marriage and my brothers want to marry them. Is there anything wrong with their marriage? Please, advise. May Allah reward you with the best!**

**A:** Breast-feeding that prohibits marriage is one that happens at least five times during the first two years of breast-feeding. If your mother breast-fed your uncle this way, he is a foster son to her and a foster brother to her children. Subsequently, it is unlawful for your brothers to marry your uncle's daughters; because they are their brother's foster daughters. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His Saying: ﴾your foster milk suckling sisters﴿ Also Allah (Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years﴿ It is authentically reported from the Prophet (peace be upon him) that he said: ﴾Wet-nursing makes unlawful what consanguinity makes unlawful.﴿ It is authentically reported from the Hadith of `Aishah (may Allah be pleased with her) that she said:

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"Amongst what was sent down of the Qur'an was ﴾ten clear suckling times make the marriage unlawful﴿ then it was abrogated by ﴾Five clear (sucklings).﴿ The Messenger of Allah (peace be upon him) died and the ruling remained effective. It should be noted that if the baby sucks the breast then leaves it, it is considered one time of breast-feeding for him and if he did it again, it will be considered a second time of breast-feeding and so on. However, if your mother used to make your uncle suck her breast to pacify him without breastfeeding him, this does not prohibit marriage and it is permissible for your brothers to marry their uncle's daughters.

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**Fatwa no. 8173**

**Q: a woman breastfed a boy with a girl only once. The boy did not suck milk. They grew and matured and now want to marry, but the two parties preferred waiting to hear your advice. May Allah preserve you!**

**A:** If the case is as mentioned above and the wet-nurse did not pour milk into the mouth of the baby, there would be no blame on the boy to marry the girl as long as there is no other reason prohibiting the marriage except what was mentioned.



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**Fatwa no. 3504**

**Q: I have a brother whose wife begot him a daughter. The mother of the daughter used to leave her to our mother whenever she wanted to fetch water, which would take her a long time. Missing her mother, the baby would cry. Our mother found herself forced to offer her her breast so as to stop the baby's crying. Our mother said that she repeated this many times and that when squeezing her nipple, it would produce milk mixed with water. Being asked about the amount of milk she gave the baby, my mother told me that it was about a small cup. This was done by my mother when she had last given birth to a child who was 15 years old at the time. Is this girl permitted to marry my son?**

**A:** If the case is as you have mentioned, that your mother suckled the daughter of your brother many times and that at that time she produced little milk mixed with water, then the daughter of your brother who was suckled by your mother becomes your sister through breastfeeding ties and a paternal aunt to your son if she was suckled from your mother five times or more in her first two years of age. Accordingly, it is not permissible for your son to marry this girl.

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Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His saying: ﴾your father's sisters, your mother's sisters, your brother's daughters, your sister's daughters﴿ It was authentically reported that `Aishah (may Allah be pleased with her) said: "It was revealed in the Qur'an that ten clear breastfeedings prohibit (marriage) then it was abrogated (and substituted) by five clear breastfeedings, and Allah's Messenger (peace be upon him) died while it was likewise." On the other hand, if she had less than five times of breastfeeding or if she was suckled after her first two years of age, it is permissible for your son to marry her. It is worth mentioning that if a baby sucks even a little milk from the breast and then leaves it, this is considered one breastfeeding. If it again sucks even a little milk and then leaves it, this is considered a second breastfeeding, etc.

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**Fatwa no. 14753**

**Q: i want to marry off my daughter to my nephew but he breastfed from his 60-year old grandmother.**

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**Although she said that a liquid similar to water was produced from her breast, she later claimed that nothing was produced from her breast out of her wish to establish a marital relation between them. It is noteworthy that she has been in her menopause for more than ten years. Please, tell us your Fatwa (legal opinion issued by a qualified Muslim scholar) as to whether it is permissible for my nephew to marry my daughter. May Allah reward you the best!**

**A:** The breastfeeding mentioned in the above way has no effect. There is nothing wrong with your nephew getting married to your daughter, as the grandmother affirmed that the liquid which came out from her breast was water not milk, and that later she denied any liquid coming out from her at all.

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**Fatwa no. 7656**

**Q: I was breastfed with a woman whose friend would visit her and leave her baby boy at her home. When this friend would come back, she would find her baby satisfied as if he had been breastfed by my foster sister. However, when we asked my foster sister about it; she denied that she had breastfed the baby. This happened many years ago as the concerned baby boy grew, married, and had a daughter. My question is whether it is permissible for me to marry his daughter or not?**

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**A:** If the reality is exactly as what is mentioned in the question, that your foster sister denied that she had breastfed the baby boy in question, it will be permissible for you to marry his daughter. This is because the original case is the absence of breastfeeding, and what you have mentioned does not constitute any proof for its existence.

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**The first question of Fatwa no. 19328**

**Q 1: a wet nurse forgot that she had breast-fed a certain baby, but her two sisters were witnesses and swore that they saw her breast-feeding that baby five times or even more. Does this testimony establish this breastfeeding relationship?**

**A:** Breastfeeding is a matter which all women are familiar with and it is proven by the testimony of a trustworthy woman. Therefore, if this woman's two sisters testified that their sister had breast-fed a certain baby five times of breastfeeding or more during the first two years of the baby's life, breastfeeding would be proven, and this child would be considered this woman's son by breastfeeding, provided that these two women or one of them were trustworthy.

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**Fatwa no. 5542**

**Q: I am a 20-year old man and my sister is twelve years old. The son of my paternal uncle who is eighteen years old proposed to my sister, and I accepted and concluded their marriage contract. Likewise, I proposed to his sister who is ten years old and concluded her marriage contract. Neither the son of my paternal uncle nor I have consummated our marriage yet. Both of us will pay an agreed-upon Mahr (mandatory gift to a bride from her groom) and the bridal gold and follow the marriage procedures that are common among Muslims. Recently, my paternal uncle's wife said that my late mother breastfed her daughters and my sisters together. I do not know if the saying of my paternal uncle's wife is true or not and whether my mother breastfed her daughters or not. Is it prohibited for us to marry each other's sisters? How is their daughter prohibited to marry me? And how is my sister permitted to marry their son? Please, advise. May Allah reward you with the best!**

**A:** Breastfeeding that prohibits marriage must occur five times or more during the first two years of the baby's life. When the baby takes the breast and sucks milk from it, it will count as one time of breastfeeding. Thus, if the daughter of your paternal uncle is proven to be breastfed by



your mother five times or more as stated above, it will be prohibited for you to marry her because she is considered your foster sister. Allah (may He be Praised and Exalted) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His saying: ﴾your foster milk suckling sisters﴿ He (Exalted be He) also says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ Agreed upon by Al-Bukhari and Muslim. Furthermore, it was authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective. If your mother breastfed this girl less than five times or after the age of two years old, it would be permissible for you to marry her. What the wife of your paternal uncle said in this regard is accepted if she is trustworthy. However, the son of your paternal uncle will be permitted to marry your sister in question if they did not undergo breastfeeding that makes marriage unlawful. His sister's breastfeeding from your mother, being little or much, does not affect his marriage to your sister. If the wife of your paternal uncle is not trustworthy or does not remember the numbers of breastfeeding times, whether they were five or more or less, her testimony will be



of no significance.

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**The seventh question of Fatwa no. 5881**

**Q 7: Is it permissible to delay weaning a baby after the two years prescribed in the Qur'an?**

**A:** This is permissible if there is a need for delay. Also, it is permissible to wean a baby before they complete two years of age if this is for their benefit. However, the basic rule is that a baby is breast-fed for two years and this should not be changed unless there is an urgent need requiring this change.

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**Fatwa no. 16679**

**Q: Is it forbidden to breastfeed a child for more than two years?**

**A:** Breast-feeding is the right of an infant as it is necessary to him. It is

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for the young like providing provision to the old. The complete term of breastfeeding is two years. Allah (Exalted be He) says, (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) It may be less than that. He (Exalted be He) says, (If they both decide on weaning, by mutual consent, and after due consultation, there is no sin on them.)

Lessening the time of breastfeeding is conditional upon the parents' consent and consultation, which should not cause the least harm to the child if s/he is breastfed for less than two years, on account of the generality of the Prophet's (peace be upon him) saying, (There should be neither harming nor reciprocating harm) If it is known that breastfeeding is in the right of the child, and that it is not permissible to wean him before two years if this may harm him, then the mother is permitted to continue breastfeeding him after the two years if this would be in his interest. Ibn Al-Qayyim (may Allah be merciful with him) said, in his Tuhfat-ul-Mawdud Fi Ahkam-ul-Mawlud, "A mother may continue breastfeeding a child after the two years until the half or more of the third year."

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**Fatwa no. 4668**

**Q: Is it permissible for a Muslim woman to breastfeed a Christian baby and vice versa? What is the ruling on this infant? Please, advise! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you.)**

**A: First:** It is permissible for a Muslim woman to breastfeed a Christian child; likewise, the Christian woman may breastfeed a Muslim child. This is originally permissible and there is no evidence forbidding this act. Indeed, it is an act of kindness. Allah has enjoined kindness on everything. It is authentically reported that the Prophet (peace be upon him) said, ﴾There is a reward for serving any animate.﴿

**Second:** Breastfeeding does no affect the original religion of an infant; he who is a Muslim before breastfeeding remains a Muslim and he who is a Christian before breastfeeding remains as so after it.

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**The fifth question of Fatwa no. 114768**

**Q 5: I breastfed another baby along with my son, during the first year of his life. I breastfed him more than five times until he had his fill during the two years (of infancy). Has this baby become a brother to all of my children or just to my son who breastfed with him? Has this baby's mother become a mother to all my children, although she did not breastfeed any of my children, in fact it was I who breastfed her son? Are this baby's siblings considered as milk-brothers and sisters to all my children or is it just the baby I breastfed who is considered as a milk-brother to my children?**

**Will this baby inherit in the same way as my children or does he have no inheritance rights?**

**Is it Halal (lawful) for my children to marry any of the brothers or sisters of this baby whom I breastfed?**

**Do I have to write in my will that I breastfed this baby, so my children will not marry his brothers or sisters by mistake after my death, because there may be some people who do not know that I breastfed him and they may marry one of his brothers or sisters.**

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**A:** The breastfeeding that creates the relationship of Mahram (unmarriageable relatives) is five or more feedings given to a baby during the first two years of its life. If this happens, this baby (by breastfeeding ties) is a milk-son to you and to your husband and a milk-brother to all of your children. As regards the mother of the baby and his siblings, there is no legal effect on them resulting from this breastfeeding. It is, therefore, Halal for his brothers to marry your daughters. breastfeeding is not a legal foundation for inheritance, but there is nothing wrong with you recording this breastfeeding in your will, so it will not be kept hidden. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His Saying: ﴾your foster milk suckling sisters﴿ Also Allah (Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ It is authentically reported that the Prophet (peace be upon him) said, ﴾"Breastfeeding prohibits what birth (consanguinity) prohibits."﴿ It is also authentically reported that 'Aishah (may Allah be pleased with her) said, "Amongst what was revealed from the Qur'an was: 'Ten known breastfeedings make (marriage) Haram (prohibited)...' It was then abrogated by: 'Five known breastfeedings...' The Messenger of Allah (peace be upon him) died while such was the practice."

It should be borne in mind that if a baby takes to a breast and sucks milk from it, and then leaves it, this is considered as one breastfeeding and if it does it again and sucks milk, this will be considered as the second breastfeeding, and so on.

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## Some forms of the effects of breastfeeding

**Fatwa no. 10156**

**Q: Two women breast-fed each other's children. Only one son of a woman and one daughter of the other woman were not breast-fed by other than their mothers. now the boy wants to marry the girl; she was not breast-fed by his mother and he was not breast-fed by hers. Please submit my question to His Eminence, the Chairman of the Departments of Scholarly Research, Ifta', Daw`ah, and Guidance. May Allah grant you success and safeguard you!**

**A:** If the reality is as you mentioned, it is permissible for the boy and the girl, who were not breast-fed by each other's mothers, to get married. The fact that the siblings of the girl were breast-fed by the mother of the boy does not affect their marriage.

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**First and second questions of Fatwa no. 9396**

**Q 1: What is the ruling on a person who was breastfed with his female cousin and did not marry her, then each of them got married and was granted children,**

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**and now they would like to marry their children to each other? Is this permissible? Or are the children forbidden to each other in marriage as their parents were?**

**A:** If the matter is exactly as what is mentioned in the question, it is permissible for your sons and daughters to marry any of the children of your female cousin. The fact that you and your female cousin were breastfed together has no influence on the marriage of your children to each other.

**Q 2: is it forbidden for the elder brother of a foster brother and elder sister of a foster sister to marry each other?**

**A:** If a baby boy or a baby girl breastfeed from one woman, he will be her foster son and a foster brother to all her old and young children. Accordingly, it is impermissible for any of the children of the wet nurse to marry the baby girl that was breastfed by her. It is worth mentioning that breastfeeding makes marriageable relatives become unmarriageable when it takes place five times or more during the first two years of the baby's age. One time of breast-feeding is that the baby holds the breast and sucks milk from it then releases it. When the baby sucks milk again, this will be counted as a second time of breastfeeding and so on.

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**The first question of Fatwa no. 1687**

**Q 1: I am the third child in my family. my milk-mother is the mother of a girl from another family. Is this girl considered the milk-sister of all my brothers, the younger and the older? What about her half sisters from another mother?**

**A: Firstly:** The breastfeeding that deems marriage unlawful is five or more times during the first two years. Allah (Exalted be He) states: (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) It is related on the authority of `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective."

One time of breastfeeding is when the child holds the breast and sucks milk. If the child leaves the breast and then holds it again to suck milk, this is considered a second time.

If it is proven that the girl's mother or step-mother has breastfed you in the previous manner, you are the milk-brother of this girl, and all her full and half paternal and maternal brothers and sisters. However, it is permissible for any of your brothers to marry this girl or any of her

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sisters, and you being her milk-brother does not make such marriage unlawful.

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**Fatwa no. 20416**

**Q: I would like to ask you about the ruling on my marriage to a woman whose mother was married to my father. My father consummated his marriage when my wife was 3 months old. Her mother breastfeed her for one year and a half after getting married. The mother weaned the girl upon becoming pregnant from my father. My wife remained at my father's house until she was 7 years old, after which her father took her to live with him. Later I proposed to the girl and married her, but I have not consummated the marriage until now. Is she a lawful wife for me? Bear in mind that my father consummated his marriage to her mother when she was breastfeeding, and her mother continued to breastfeed her for a year and a half after getting married to my father. Please reply, and may Allah reward you. Peace be upon you.**

**A:** You are not a Mahram (unmarriageable relative) to this woman, since the manner and timing of her breastfeeding

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does not make your father her milk-father. Based upon this, it is permissible for you to marry her.

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**Fatwa no. 10289**

**Q: my paternal uncle's mother breastfed me. Does this prevent me from marrying one of the daughters of another paternal uncle who is a half brother from the mother? Bear in mind that the milk-mother says that she does not remember the exact number of times she breastfeed the child who was very ill and refused to feed. Please give us your answer, and may Allah bless you!**

**A:** The breastfeeding that deems marriage unlawful is five or more times during the first two years. If your paternal uncle's mother has breastfed you, you are your uncle's milk-brother from the mother and father and the milk-brother of the rest of your uncles from the father. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters, your sisters﴿ up to: ﴾your brother's daughters, your sister's daughters﴿ Allah (Exalted be He) also states: ﴾The mothers shall give suck to their children for two whole years﴿

**(Part No. 21; Page No. 70)**

Further, it is confirmed that the Prophet (peace be upon him) stated: ﴾"Milk relations forbid what blood relations do."﴿ It is related on the authority of `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective."

One time of breastfeeding is when the child holds the breast and sucks milk. If the child leaves the breast and then holds it again to suck milk, this is considered to be a second time.

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**The second question of Fatwa no. 2195**

**Q 2: a man married a woman, but after they had a son and a daughter, it was confirmed that she was his milk-sister. What should he do? Will he and his children - upon their attaining the age of discretion - be held accountable for this sin? Is it permissible for the children to marry or do they have to refrain from marrying until they die?**

(Part No. 21; Page No. 71)

**A:** If a man marries a woman without knowing about the prohibitive impediment against the marriage and only discovers after concluding the marriage contract that his wife is his milk-sister - i.e., that the breastfeeding occurred five times during the first two years of her life - it is obligatory for the contract to be dissolved and for him to leave her. This is so regardless of whether they consummated marriage or not, or had children with her or not. As to his sexual relations with her before knowing that she is his milk-sister, this is not regarded as Zina (premarital sexual intercourse and/or adultery), instead it is considered as a doubtful marriage, and he is free from blame as he thought that she was his lawful wife. As to the children, they are attributed to him and entitled to all the rights of children born within a valid marriage and therefore have the right to inheritance and Nafaqah (obligatory financial support). Their birth to these parents in this way does not prevent them from getting married; they may marry in the same way as any other Muslim. However, it is necessary that, before any Muslim concludes a marriage contract, they must make sure that there are no prohibitive impediments such as connection by marriage, breastfeeding, etc., then they can proceed to marriage when they are quite certain that there is nothing about the future spouse that forbids marriage.

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(Part No. 21; Page No. 72)

Fatwa no. 14846

**Q: Forty years ago, my mother gave birth to a baby boy who became ill with hyperthermia. The daughter of my paternal uncle also suffered from the same illness. she was the same age as my elder brother. My mother used to fill half a cup of coffee with milk discharged from her breast and would mix it with medicine. For three or four days she would give my brother a small amount to drink and put some into his eyes twice a day. She would do the same with my cousin. By doing so, my mother was only seeking their treatment, not suckling. Had suckling been her intention, she would have breast-fed my cousin. My cousin has a daughter, is it permissible for me to marry her? Please enlighten us. May Allah reward you best!**

**A:** Breastfeeding the affects marriageability refers to breast-feeding a baby for five times or more during the first two years of the baby's life. One breastfeeding is counted when the baby holds the breast and sucks milk from it. If the baby releases the breast, to take a breath for example or move to another breast, and then holds it again and sucks milk, this is a second time of breastfeeding and so on until the baby receives five times of breastfeeding,

(Part No. 21; Page No. 73)

regardless of whether this is done consecutively or at intervals. if the woman discharges her breast milk in a cup, for example, and gives it to the baby to drink, this is considered one breastfeeding in case the baby drinks it once. In case the baby drinks it for five times at intervals, this is considered five times of breastfeeding. There is no difference whether she mixes it with food, drink, or anything of the sort as long as the characteristics of milk are still there. Allah (Exalted be He) says when describing Mahrams (unmarriageable relatives) for men: ﴿, your foster mother who gave you suck, your foster milk suckling sisters,﴾ The Prophet (peace be upon him) also said: ("Breastfeeding makes unlawful what blood relationships make unlawful (regarding marital affairs).") Intention is not a condition to prove whether breastfeeding that affects marriageability is established or not. If your mother gave your paternal uncle's daughter amounts of her breast milk which she mixed with medicine five times during the first two years of the girl's life, she would be regarded as your sister by breastfeeding and a maternal aunt of your children and you would be regarded as the maternal uncle of her children. If the times of breastfeeding happen to be less than five, it would not be prohibited for you to marry your cousin's daughter. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 10862**

**Q: my youngest brother and one of our neighbor's daughters are foster siblings. Can I marry any of her sisters? I appreciate your guidance, may Allah bless you!**

**A:** If the case is as you describe, it is permissible for you to marry any of her sisters.

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**Fatwa no. 10839**

**Q: a person wants to marry his cousin, but her brother and his sister are siblings by breastfeeding. This person and the girl he wants to marry are not siblings by breastfeeding; that is, the girl was not breast-fed by his mother and he was not breast-fed by her mother.**

**A:** If the reality is as you mentioned, it is permissible for this person to marry his cousin, because the fact that his sister and her brother are siblings by breastfeeding does not have any effect on the lawfulness of their marriage.

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**Fatwa no. 9169**

**Q: a boy and girl were breastfed together when they were babies, is it permissible for his elder brother to marry this girl?**

**A:** If the case is as you have described, it is permissible for the elder brother to marry this girl as this breastfeeding does not affect the marriage.

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Fatwa no. 14039

**Q: I want to marry the daughter of my paternal aunt's son. There is doubt regarding breastfeeding between the relatives that I will illustrate in what follows: There is doubt that the great grandmother of the girl breastfed her father and both her first and second paternal uncles. She is their grandmother**

(Part No. 21; Page No. 76)

**on the maternal side. The grandmother also breastfed my brother and three sisters. She is their grandmother on the paternal side. She is also my paternal grandmother as well as the great grandmother of the girl I want to marry. My paternal aunt breastfed my elder brother, the girl, and her siblings. My mother breastfed the girl's paternal aunt, the second of my brothers, the paternal aunt of the first of my brothers and the third of my sisters. Yet my mother breastfed neither the girl nor any of her siblings. The mother of the girl then breastfed the third baby (the brother of the girl) together with the fourth paternal aunt of the girl. The mother of the girl did not breastfeed me (the inquirer) or any of my siblings. Notice: The breastfeeding mentioned here is not just one or two sucks. Rather, it extended to a month. Is it permissible for me to marry the girl or does the mentioned breastfeeding ties on the part of our grandmother render this prohibited?**

**A:** If the case is as you have mentioned, it is permissible for you to marry the daughter of your paternal aunt's son. Her father and paternal uncles being breastfed by your paternal aunt has nothing to do with the permissibility or impermissibility of your marrying each other. The same applies to your brother and sisters being breastfed by your paternal aunt; or your brother and the girl and her siblings being breastfed by your paternal aunt. Similarly, the paternal uncle and aunt of the girl being breastfed by either your mother or the mother of the girl has nothing to do with the permissibility or impermissibility of your marrying each other.

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(Part No. 21; Page No. 77)

**Fatwa no. 14074**

**Q: I married one of my relatives two years ago. Recently, my mother told me that she had breast-fed my father-in-law's younger brother for two or three days while she was breast-feeding me, because his mother was ill at that time. Please advise whether this breastfeeding relationship renders our marriage unlawful. May Allah reward you and guide you to all that is good. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**A:** If the reality is as you mentioned, it is permissible for you to continue your life with your wife. The fact that your wife's paternal uncle was breast-fed by your mother does not affect the lawfulness of your marriage.

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(Part No. 21; Page No. 78)

Fatwa no. 13867

**Q: i married a second woman and then discovered that she was breastfed by the wife of my first wife's brother. is it permissible for me to marry both women? It should be noted that we are not sure if the first act of breastfeeding met its conditions set by the Shari`ah (Islamic law) because his mother and the wet-nurse died a long time ago. The act of breastfeeding of my second wife surely met its conditions and occurred six times. Please, advise. May Allah reward you with the best!**

**A:** Breastfeeding that prohibits marriage must occur five times or more during the first two years of the baby's life. Thus, if the breastfeeding of your first wife's brother and your second wife occurred in such a manner, the brother of your first wife would become a foster father to your second wife, and your first wife would become a paternal aunt to your second wife because she is considered a foster daughter of her brother. It is not permissible for you to combine in marriage between the first wife and the foster daughter of her brother at the same time. It was authentically reported that the Prophet (peace be upon him) said: ﴾A woman should not be married together with her paternal aunt or a woman together with her maternal aunt.﴿ Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿

(Part No. 21; Page No. 79)

to His saying: ﴾your foster milk suckling sisters﴿ He (Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years﴿ It was authentically reported that the Prophet (peace be upon him) said: ﴾Breastfeeding makes unlawful what consanguinity makes unlawful, i.e. in the matters of marriage.﴿ It was authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said: It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective.

When the baby takes the breast and sucks milk from it, it will count as one time of breastfeeding. If he leaves it and returns to it and sucks milk from it, it will be another occurrence of breastfeeding and so on. If breastfeeding occurred less than five times, or was doubted that it occurred five times, there would be no prohibition and marriage would be permissible. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. ( 14899 )

**Q: I have a female cousin from a paternal uncle. Her father (my paternal uncle) and a maternal half sister of my wife were breastfed by the mother of my wife. The father of the girl (my paternal uncle) is three years younger than my wife.**

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**My question is: Is it permissible for the son of the daughter of my paternal uncle to marry any of my daughters, or is he to be considered their maternal uncle due to the fact that he was breastfed with their (my daughters') maternal aunt who is three years younger than their mother? Appreciate your guidance, may Allah guide you!**

**A:** The breastfeeding that prohibits marriage takes place only if a baby is breastfed five times or more during the first two years. The description of one suckling is as follows: a baby holds a breast and sucks milk. If it leaves the breast to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so on until five sucklings are counted. If the number of breastfeeding is less than five, even four, then this breastfeeding does not prohibit marriage. Mentioning Mahrams (spouses or unmarriageable relatives), Allah (Exalted be He) says: ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ The Prophet (peace be upon him) said, in an agreed upon Hadith: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It was related by Muslim that `Aishah (may Allah be pleased with her) said: ﴾Amongst what was sent down of the Qur'an was 'ten known sucklings forbid marriage'. Then it was abrogated by 'five known sucklings'. When the Messenger of Allah (peace be upon him) died, it was what is now recited of the Qur'an.﴿ Thus if your paternal uncle was suckled by the mother of your wife as described above, then he becomes her foster milk suckling son, a foster milk suckling brother to all her sons and daughters, and a maternal uncle to all your sons and daughters

(Part No. 21; Page No. 81)

of this wife. As for the son of your paternal uncle's daughter, he is permitted to marry any of your daughters. This is because since his paternal grandfather was breastfed by your wife's mother, his relationship to your daughters is that he becomes the son of the daughter of their maternal uncle by suckling. Therefore it is lawful for him to marry your daughter.

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Fatwa no. ( 14902 )

**Q: If a person is suckled five or more times by a woman together with her daughter, do the brothers of this person become unlawful to marry the daughters of this woman, because she suckled their brother and the children of the woman of her husband when she gave milk or of another ex-husband and the siblings of the suckled person, old or young, become unlawful to marry her daughters?**

**Please, explain the breastfeeding that prohibits marriage and that which does not in detail.**

**A:** The breastfeeding that prohibits marriage takes place only if the baby breastfed five times or more during the first two years of breastfeeding. Every time a baby holds the breast and sucks milk and then leaves it to take a breath or to suck the other breast, this is counted as one time of suckling

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until five times of sucklings are counted. If the number is less than five times, even if they are four times of suckling, this breastfeeding does not prohibit marriage. Mentioning the women prohibited to marry, Allah (Exalted be He) says: ﴿, your foster mother who gave you suck, your foster milk suckling sisters,﴾ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said, : ﴿Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴾ It is related by Muslim that `Ai'shah (may Allah be pleased with her) said: ﴿Amongst what was sent down of the Qur'an was 'ten known times of suckling forbid marriage'. Then it was abrogated by 'five known times of suckling'. The Messenger of Allah (peace be upon him) died while the latter rule was in force.﴾ Thus, if a person is suckled by a woman in the manner described above, then he becomes a milk-child to her and her husband and then a brother to all her sons and daughters she bore to her present husband or any other one that she married before or may marry in the future. That is because this baby is the milk-baby of this mother. This baby is also a brother to all sons and daughters of the milk-husband through other wives, since he is the milk-father of the child. As for the siblings of the person who is breastfed, the prohibition is not applied to them, as the ruling is confined to the milk-child who suckled the milk and acquired this relationship due to it.

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Fatwa no. 14897

**Q: My maternal aunt who is also the wife of my paternal uncle gave me breastfeeding. She then died, may Allah have mercy on her, and my paternal uncle married another wife, who bore him children. I too married and Allah endowed me with a daughter. A daughter of my paternal uncle married and bore a child. She breastfed about three male children and the mothers of those children were not sick. They gave their sons natural and artificial suckling and she also did the same. The manner of her breastfeeding: She would embrace the child and let him suck about 10-40 times. She then would leave him and later take and give him again 15 times of sucks and sometimes until he is full. She would repeat this five times a day on intervals. The cause I was breastfed this way is that my mother left me with my maternal aunt one morning until noon. It was during this time that I was breastfed by my maternal aunt, may Allah have mercy on her! Now, are the sons of my paternal uncle of his other wife become religiously unmarriageable to me and my daughter?**

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**Are the children who were breastfed by the daughter of my paternal uncle unmarriageable to me and to the wife of my paternal uncle and her daughters as well?**

**Is it permissible for the daughter of both my paternal uncle and my maternal aunt to breastfeed these children? It is worth mentioning that they are in no need of her (breastfeeding) and that I warned her against the consequences of this breastfeeding in the future when the children grow up. Her aim behind that is that she wants them to become Mahrams (unmarriageable relative) to her at an old age. Now, she tries to breastfeed other children. Please answer me, may Allah reward you with the best!**

**A:** The breastfeeding that prohibits marriage takes place only if the baby breastfeeds five times or more during the first two years of breastfeeding. Every time a baby holds the breast and sucks milk and then leaves it to take a breath or to suck the other breast, this is counted as one time of suckling until five times of sucklings are counted. If the number is less than five times, even if they are four times of suckling, this breastfeeding does not prohibit marriage. Mentioning the women prohibited to marry, Allah (Exalted be He) says, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said, : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is related by Muslim that `A'ishah (may Allah be pleased with her) said: ﴾Amongst what was sent down of the Qur'an was 'ten known times of suckling

(Part No. 21; Page No. 85)

forbid marriage'. Then it was abrogated by 'five known times of suckling'. The Messenger of Allah (peace be upon him) died while the latter rule was in force.﴿ Thus, if you were breastfed by your maternal aunt in the manner described above, then she becomes your milk-mother; her husband

becomes your milk-father and the other wife of your paternal uncle becomes the wife of your milk-father; her sons and daughters of your paternal uncle become your paternal are your milk-siblings and you become a paternal milk-aunt to the son of your paternal uncle's daughter and a maternal milk-aunt to the children breastfed by your paternal uncle's daughter, since you are her milk-sister. Accordingly, the sons of your paternal uncle of his other wife become unmarriageable to you and to your daughter. As for the (male) children breastfed by your paternal uncle's daughter whom you became her milk sister, they become unmarriageable to you alone, not to your daughter, as you are their maternal milk-aunt. They also become unmarriageable to the (other) wife of your paternal uncle and to her daughters, since she is their milk grandmother and her daughters are their maternal milk aunts.

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Fatwa no. 14666

Q: the wife of my paternal uncle breast-fed her half-sister.

(Part No. 21; Page No. 86)

**Is it permissible for me to marry her half-sister? My mother did not breast-feed any of the half-sisters of my paternal uncle's wife and there had been no breastfeeding relationships between us. Does this breastfeeding affect my marriage to the half-sister of my paternal uncle's wife? In what way does my paternal uncle's wife become related to her half-sisters? May Allah benefit us and you. May Allah make you a source of guidance to others. My marriage is contingent on your reply, which I am impatiently waiting for. Accept my best regards!**

**A:** If the reality is as you mentioned, it is permissible for you to marry the half-sister of your paternal uncle's wife, who is considered the daughter of your paternal uncle by means of breastfeeding. Your marriage to the half-sister of your paternal uncle's wife would not be affected by the fact that the latter breast-fed the former.

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**Fatwa no. 17057**

**Q: My second wife has a maternal uncle, who is older than her. When my wife's maternal uncle was an infant, another baby received more than five times of breastfeeding during the first two years of his life from the same breastfeeding woman. It is known that my wife's maternal uncle and this other man are**

(Part No. 21; Page No. 87)

**siblings by breastfeeding. i am asking whether this man - who was breast-fed with my wife's uncle - is considered the brother of my mother-in-law by breastfeeding or not. In other words, is he considered my wife's maternal uncle? If the answer is yes, I want to pose another important question, which is:**

**Do I have the right to prevent him from greeting and visiting my wife? Would I be sinful if I prevent him from entering my house? It is worth mentioning that he has weak Iman (Faith), he is negligent of performing Salah (Prayer), and he smokes; and I do not feel that my family is safe in his presence, especially that I have another wife and adult daughters. Do I have the right to prevent him from greeting my family and entering my house? Would I be sinful if I do this? Please advise. May Allah reward you!**

**A:** If the mentioned breastfeeding is confirmed to have taken place five times or more during the man's first two years of life and if the woman who breast-fed him was the mother of your mother-in-law or a stepmother of your mother-in-law, the breastfed child is, thus, a brother of your mother-in-law by breastfeeding and a maternal uncle of your wife. Accordingly, he is a Mahram (an unmarriageable relative) for your wife. If you fear that his entry to your house might cause harm to your family, you should prevent him in order to ward off corruption.

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(Part No. 21; Page No. 88)

**Fatwa no. ( 16088 )**

**Forty years ago, a person was breastfed by my mother five sure times. Now he wants to marry my paternal half sister, who is not a daughter of the foster-mother but a daughter of another wife (of my father). Please answer me, may Allah reward you with the best!**

**A:** The breastfeeding that prohibits marriage takes place only if the baby breastfeeds five times or more during the first two years of breastfeeding. Every time a baby holds the breast and sucks milk and then leaves it to take a breath or to suck the other breast, this is counted as one time of suckling until five times of suckling are counted. If the number is less than five times, even if they are four times of suckling, this breastfeeding does not prohibit marriage. Mentioning the women prohibited to marry, Allah (Exalted be He) says, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said, : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is related by Muslim that `A'ishah (may Allah be pleased with her) said: ﴾Amongst what was sent down of the Qur'an was 'ten known times of suckling forbid marriage'. Then it was abrogated by 'five known times of suckling'. The Messenger of Allah (peace be upon him) died while the latter rule was in force.﴿ It is also related on the authority of `A'ishah (may Allah be pleased with her) that Allah's Messenger (peace be upon him) said: ﴾One suckling

(Part No. 21; Page No. 89)

or two do not make (marriage) unlawful.﴿ (Related by Muslim). Thus if he was breastfed by your mother five times, as you have mentioned in your question, and if your mother was the wife of your father during the breastfeeding, then this baby becomes a milk son to both your mother and father, and a brother by breastfeeding to all sons and daughters of your father whether they are from your mother or his other wife. Accordingly, it is not permissible for him to marry your paternal half sister, since she is his paternal half sister by breastfeeding. An exception to this case is that if he was breastfed by your mother while she had been married to another husband before being married to your father. In that case there would be nothing to prevent him from marrying your paternal half sister, since in this case, he is not a son to your father or a milk brother to your paternal half sister.

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Fatwa no. 16932

**Q: Seven years ago, I married the daughter of my full paternal uncle, Husayn. I have another paternal uncle called Sayyid who is of the same age as me. We were breastfed together by my grandmother many times due to my mother's absence when I was in the age of breastfeeding. My wife**

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**gave birth to two children. Her father - my paternal uncle - was breastfed by my grandmother. All of us know this fact. Nevertheless, I discovered, to my surprise, that there is an impediment to the continuance of this marital life, namely, the breastfeeding. Therefore, I seek your guidance, to preserve my religion, which is the safeguard of my affairs. What is the ruling on the following: A- If your Fatwa is to separate; should this be through declaration of divorce? Should I wait till I return to my country or should I do this on the spot and how?**

**B- If your Fatwa is to separate, what is my status with my female cousins i.e. how should they appear before me? As for my wife, should she observe `Iddah (woman's prescribed waiting period after divorce), despite my absence for more than three years and I am still abroad?**

**C- As for the children, who should be given custody of them?**

**A:** If it is really that the father of your wife was breastfed by your grandmother five times in his first two years and you were breastfed by this woman, you are not permitted to marry his daughter, for you are her milk uncle. Thus, your marriage to her is Batil (null and void) and she is permitted to get married after she has had three menses after the last intercourse that took place between you.

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It is not necessary to pronounce divorce, for your marriage is Batil and there is no need for divorce. She and all your female cousins are considered Mahrams (unmarriageable relatives) for you, for you are their milk uncle, and a milk brother to your paternal uncles - Husayn and Sayyid. As for the children your female paternal cousin gave birth to, they are your legitimate children, for you were ignorant that you are forbidden to marry your paternal cousin on account of the said breastfeeding. As for the custody of the children; whether they should stay with their mother or you, if you fail to settle it peacefully, refer it to the court for proper judgment.

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Fatwa no. ( 16313 )

Q: I have been married to the daughter of my paternal uncle for the past thirteen years. We are endowed with just one daughter who is twelve years old now. Several days ago, I came to know that my wife was breastfed by her paternal grandmother Hadiyah, who is the second wife of my (paternal) grandfather (`Abd Al-Hady) and she is not my father's mother. Yet I do not know if my grandfather was the milk-father. Being aware of this,

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we have separated from each other and are waiting for your answer. As for my wife's mother and her grandmother who breastfed her, they are alive. They witness that my wife was breastfed when she was several days of age until she reached a year and several months. Yet they do not know whether the father by breastfeeding (i.e. our grandfather) is the milk-father or not. They call Allah to witness for that. The causes leading to this breastfeeding were that the mother of my wife was sick, so the father (of my wife) used to bring his daughter to her grandmother Hadiyah to breastfeed her. She would breastfeed her many a time. As for what led to discovering this issue, it was hearing a Fatwa issued by His Eminence shaykh Nuh Salman, the Mufti of the Kingdom of Jordan, while watching him on TV. The Mufti mentioned what implies that the husband of the milk-mother is the milk-father and that if a wife breastfeeds a baby, that baby becomes a milk-son of her husband and milk-brother to all the sons of the husband even to those of other wives.

It is worth mentioning that my paternal grandfather `Abd Al-Hady is the (paternal) grandfather of my wife. He first married Fatimah, the mother of my father i.e., this was his first marriage. After her death, he married Hadiyah, the (paternal) grandmother of my wife Ikhlas.

A: The breastfeeding that prohibits marriage takes place only if the baby breastfeeds five times or more during the first two years of breastfeeding. Every time a baby holds the breast and sucks milk and then leaves it to take a breath or to suck the other breast, this is counted as one time of suckling until five times of suckling are counted. If the number is less than five times, even if they are four times of suckling,

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this breastfeeding does not prohibit marriage. Mentioning the women prohibited to marry, Allah (Exalted be He) says, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said, : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is related by Muslim that `A'ishah (may Allah be pleased with her) said: ﴾It had been revealed in the Noble Qur'an that ten clear sucklings make marriage unlawful, then it was abrogated (and substituted) by five clear sucklings and Allah's Messenger (peace be upon him) died while it was recited as Qur'an.﴿ It is also related on the

authority of `A'ishah (may Allah be pleased with her) that Allah's Messenger (peace be upon him) said: ﴾One or two times of suckling do not make (marriage) unlawful.﴿ (Related by Muslim). Thus, if it is proven that your wife was breastfed by the wife of your paternal grandfather, then she becomes your paternal milk-aunt. Thus, you should separate from her, because the Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ If the foster-woman is not your paternal grandmother and the other wife of your paternal grandfather, then she still has the same ruling. If the issue is disputed, it should be referred to the legal court.

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Fatwa no. 15470

**Q: Praise be to Allah, I am a young married man and have five children but I want to marry the daughter of my maternal aunt (the sister of my mother). However, I am confused and want your Eminence to guide me regarding this affair. To sum up: a) I was breastfed by my maternal grandmother, who also gave milk to the elder sister of the girl (that I want to marry). b) I was breastfed by my second maternal aunt (another sister of my mother) and my mother also breastfed some of her children. The maternal aunt of my mother also breastfed the children of my maternal aunt whose daughter I want to marry. c) I was also breastfed by my maternal uncle's wife who breastfed the children of my maternal aunt whose daughter I want to marry. My mother also breastfed the children of my maternal uncle. I have a strong desire to marry the daughter of my maternal aunt. Please, guide me to the right path, may Allah continue to make you a source of knowledge to serve Islam! It is worth mentioning that I was not breastfed by my maternal aunt whose daughter I want to marry and my aunt did not breastfeed any of my siblings.**

**A:** The breastfeeding that prohibits marriage takes place only if the baby has five times of suckling or more during the first two years of their life. Every time a baby holds a breast and sucks milk and then leaves it to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so forth until five times of suckling are counted. If

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the times of suckling are less than five, even if they are four times of suckling, then this breastfeeding does not prohibit marriage. Mentioning the women forbidden for marriage, Allah (Exalted be He) says: ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is related by Muslim that `A'ishah (may Allah be pleased with her) said: ﴾It had been revealed in the Noble Qur'an that ten clear sucklings make marriage unlawful, then it was abrogated (and substituted) by "five clear times of suckling i.e. forbid marriage" and Allah's Messenger (peace be upon him) died while the latter rule was in force.﴿ It is also related on the authority of `A'ishah (may Allah be pleased with her) that Allah's Messenger (peace be upon him) said: ﴾One suckling or two do not make (marriage) unlawful.﴿ (Related by Muslim) Thus, if you were breastfed by your maternal grandmother five times of suckling or more during the first two years, then it is not permissible for you to marry the daughter of your maternal aunt, because you became her maternal milk-uncle. If both you and this daughter of your maternal aunt were breastfed by some other maternal aunt of yours and she breastfed you both five times or more during the first two years, then she (the girl in question) becomes your milk-sister. Accordingly, you become her milk-brother on one side and her maternal milk-uncle on the other side.

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**The second question of Fatwa no. 15889**

**Q2: a man married a divorced woman whose ex-husband breastfed from the wife of this man who she is now married to. What is the ruling on this marriage? Does it make a difference if his son is her ex-husband? Please advise. May Allah reward you.**

**A:** A man who was breastfed by a wife of another person five times or more during his first two years after birth is not permitted to marry the ex-wife of the breastfed person, because she is considered the wife of his milk-son. A man is not permitted to marry the ex-wife of his biological son, because Allah (Exalted be He) clearly stated what women are not lawful to marry in His statement: ﴿the wives of your sons who (spring)﴾ Similarly, a man is not permitted to marry the ex-wife of his milk son, because the Prophet (may blessings and peace of Allah be upon him) stated: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ However, if the number of breastfeeding is less than five times or is doubted, it is not prohibited for him to marry as there is no definite impediment.

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**The first question of Fatwa no. 17410**

**Q 1: one of my sons was breast-fed by a woman; is it permissible for me to marry any of her daughters? Please guide us. May Allah guide you to the path of good!**

**A:** If the reality is as you mentioned, it is permissible for you to marry any of the daughters of the woman who breast-fed one of your sons. The fact that your son was breast-fed by her would not serve as an impediment to you marriage to one of her daughters.

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**Fatwa no. ( 15494 )**

**Q: I married the daughter of my maternal aunt nine years ago and Allah blessed us with children. My maternal uncle (my mother's brother) was breastfed by my mother many times. Now, am I (the husband of the daughter of my maternal aunt) considered a maternal milk-uncle to my wife? If so is true, what should I do?**

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**A:** The breastfeeding that prohibits marriage takes place only if the baby has five times of suckling or more during the first two years of their life. Every time a baby holds a breast and sucks milk and then leaves it to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so forth until five times of suckling are counted. If the times of suckling are less than five, even if they are four times of suckling, then this breastfeeding does not prohibit marriage. Mentioning the women forbidden for marriage, Allah (Exalted be He) says: ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said, : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e., whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is also related by Muslim that `A'ishah (may Allah be pleased with her) said: It had been revealed in the Noble Qur'an that ten clear sucklings make marriage unlawful, then it was abrogated (and substituted) by five clear sucklings and Allah's Messenger (peace be upon him) died while it was recited as Qur'an." It is also related on the authority of `A'ishah (may Allah be pleased with her) that Allah's Messenger (peace be upon him) said: ﴾One suckling or two do not make (marriage) unlawful.﴿ (Related by Muslim). The breastfeeding that can act as a cause of prohibition of marriage is the one described above. Your maternal aunt has nothing to do with the fact that your maternal uncle was breastfed by your mother since the ruling is only applied to the one who was breastfed. Since your aunt was not breastfed by your mother, her daughter is lawful for you to marry.

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Fatwa no. 15710

**Q: my sister (may Allah have mercy on her) was breastfed by my aunt along with my cousin, who later married my full maternal uncle and gave birth to many children. Is it permissible for me to marry her daughter?**

**A:** It is permissible for you to marry the daughter of your sister's foster sister as long as the woman that breastfed them is not one of your Mahrams (spouse or unmarriageable relatives), as the girl you wish to marry is a non-Mahram.

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Fatwa no. ( 15824 )

**Q: What is the duty incumbent on me regarding my milk-mother? Should I call her "my mother" or the like? As for her daughter with whom I was breastfed in childhood,**

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**should I call her "my sister"? How should I salute them i.e. should I shake hands with or kiss them? Is her son - who is younger than the daughter - my milk-brother? Does it make any difference if her brother is elder or younger than her? My younger brother was also breastfed with her younger one, is she to be his milk-sister? Is it permissible for a girl to kiss her milk-brother? Please, advise us!**

**A:** The breastfeeding that prohibits marriage takes place only if the baby has five times of suckling or more during the first two years of their life. The description of one suckling is as follows: A baby holds a breast and sucks milk. If it leaves it to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so forth until five times of suckling are counted. If the times of suckling are less than five, even if they are four times of suckling, then this breastfeeding does not prohibit marriage. Mentioning the women forbidden for marriage, Allah (Exalted be He) says, ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ It is reported by Al-Bukhari and Muslim that the Prophet (peace be upon him) said : ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is related by Muslim that `A'ishah (may Allah be pleased with her) said: "Amongst what was sent down of the Qur'an was 'ten known times of suckling forbid marriage. Then it was abrogated by 'five known times of suckling'. When the Messenger of Allah

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(peace be upon him) died, it was recited as Qur'an. It is authentically reported that `A'ishah (may Allah be pleased with her) also related that Allah's Messenger (peace be upon him) said: ﴾One suckling or two do not make (marriage) unlawful.﴿ (Related by Muslim). If these conditions of breastfeeding are met, the breastfed child becomes a milk-child of the woman who breastfed him/her; all her children become his/her milk-siblings; and his husband becomes his milk-father. Thus all the Mahrams (unmarriageable relatives) of the husband become Mahrams to the breastfed child and all his (the husband's) children become milk-siblings to the breastfed child, whether those belonging to the husband through the breastfeeding woman or through any of his other wives. The consequences of the mentioned breastfeeding are that marriage will be prohibited between the breastfed child and both the Mahrams (unmarriageable relatives) of the breastfeeding woman and the Mahrams of her husband, even those belonging to him through other wives. It is Mustahab (desirable) to maintain the ties of kinship with them both through salutation or any other kind of lawful greeting. May Allah grant us success! May Allah's Peace and Blessings be upon our Prophet and upon his family and Companions!

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**Fatwa no. 16644**

**Q: When I used to breast-feed my second child, my husband would tie my hands to my back and start gobbling up my breasts vigorously. He continued to do that for four months. He also said to me, "You are to me like my mother." Once when I was visiting my family,**

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**I told them about him sucking my breasts. Is that act lawful?**

**A:** It is not permissible for your husband to repeat that act again. However, you do not become unlawful for him because of this act. The reason is that breastfeeding which affects marriageability must take place during the first two years of the baby's life. This is based on the Hadith in which the Prophet (peace be upon him) said: ("Breastfeeding relationship is only established when milk is the only food (of the child).") The Prophet (peace be upon him) also said: ("The only breastfeeding that affects marriageability is that which satisfies (i.e., fully satiates) the stomach and takes place before weaning.") Accordingly, you are not prohibited to resume marital relations with your husband. as for the husband's saying, "You are to me like my mother," if his intention is to establish a prohibited marriage relationship based on breastfeeding ties, it will be of no account. However, if by saying so he intends Zhihar (a man likening his wife to an unmarriageable relative), he will have to offer Kaffarah (expiation) for Zhihar, which is to emancipate a believing slave. If he cannot find any, he must observe Sawm (Fast) for two consecutive months. If he cannot do this, he must feed sixty Miskins (needy persons). This is based on the Ayah (Qur'anic verse) which reads: (And those who make unlawful to them their wives by Zihâr and wish to free themselves from what they uttered, (the penalty) in that case is the freeing of a slave before they touch each other.)

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**Fatwa no. 18899**

**Q 1: If a man has a milk-son, is the man considered to be a Mahram (unmarriageable relative) to the wife of his milk-son or not?**

**A:** The wife of a milk-son is like the wife of a biological son; it is Haram for the father to marry either of them, according to the saying of the Prophet (peace be upon him), ("What becomes Haram (forbidden for marriage) through breastfeeding is (the same as) that which becomes Haram through blood ties.") However, it is conditional for the breastfeeding to have taken place during the first two years of the baby's life and to have occurred at least five times. In consequence of this, he is, therefore, considered as a Mahram to her.

**Q 2: Is a wife's milk-mother considered as a Mahram to her husband or not? Please bear in mind that all the legal conditions of breastfeeding were met in these two questions.**

**A:** Whatever is prohibited with a wife's biological mother is also prohibited with a wife's milk-mother



according to the saying of the Prophet (peace be upon him), ( "What becomes Haram (forbidden for marriage) through breastfeeding is (the same as) that which becomes Haram through blood ties." ) The man is, therefore, a Mahram to his wife's milk-mother.

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**Fatwa no. 6175**

**Q: I was breastfed with one of the sons of L.L.H for a duration of at least fifteen days. I understand that all of this man's sons are my foster brothers. Please advise concerning the following: First, the mentioned man whose wife breastfed me had another wife whom he had divorced. Is she considered my aunt and a Mahram (unmarriageable relative) for me? Can I shake hands with her and sit in Khulwah (being alone with a member of the opposite sex) with her?**

**Second, there are many children who were breastfed by those two wives. Are their foster sons and daughters considered my siblings?**

**A:** If you were breastfed by L.L.H's wife in the mentioned way in the toddler years, you are considered his son, and his sons and daughters are considered your foster siblings,

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according to Allah's saying, ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ until His saying, ﴾your foster milk suckling sisters﴿ Allah also says, ﴾The mothers shall give suck to their children for two whole years﴿ It was authentically reported that the Prophet (peace be upon him) said, ﴾ breastfeeding makes unlawful what birth makes unlawful. ﴿ It was also authentically reported from `Aishah (may Allah be pleased with her) that she said, "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective." Given that one time of breastfeeding means that the baby sucks milk from the breast. If it stops to take its breath or move to the other breast, and then sucks milk again, this is considered a second time of breastfeeding.

The second wife of L.L.H is also a Mahram to you, as she is your foster father's wife, and Allah says, ﴾And marry not women whom your fathers married, except what has already passed﴿ Those who were breastfed by that woman or by other women who married L.L.H are all considered your foster siblings.

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**The third question of Fatwa no. 19329**

**Q 3: Is it permissible for a woman to breast-feed her brother?**

**A:** It is permissible for a woman to breast-feed her younger brother if there is a need to do so. The concerned brother will be her son by breastfeeding if she breast-feeds him five times or more during the first two years of his life.

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**The second question of Fatwa no. 5364**

**Q 2: I married a second wife, but my first wife had breastfed one of our relative's babies. Is my second wife considered to be a Mahram (unmarriageable relative) to this baby or not?**

**A:** If the baby was breastfed at least five times during the first two years of his life by

**(Part No. 21; Page No. 107)**

the first wife, her husband becomes a milk-father to him. Therefore, the baby becomes a Mahram to the second wife, because he is her husband's milk-son. Allah (Exalted be He) says: ﴾and not to show off their adornment except only that which is apparent (like both eyes for necessity to see the way, or outer palms of hands or one eye or dress like veil, gloves, head-cover, apron, etc.), and to draw their veils all over Juyûbihinna (i.e. their bodies, faces, necks and bosoms) and not to reveal their adornment except to their husbands﴿ It is also authentically reported from the Prophet (peace be upon him) that he said, ﴾"Breastfeeding prohibits what birth (consanguinity) prohibits."﴿ It is authentically reported from 'Aishah (may Allah be pleased with her) that she said: "Amongst what was revealed from the Qur'an was: 'Ten known breastfeedings make (marriage) Haram (prohibited)...' It was then abrogated by: 'Five known breastfeedings...' The Messenger of Allah (peace be upon him) died while such was the practice." If the baby takes to a breast and sucks milk from it, and leaves it to breath or move, this is considered as one breastfeeding and if it does it again, it is considered as a second breastfeeding, and so on.

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**Fatwa no. 8058**

**Q: I intend, In sha'a-Allah (if Allah wills), to marry my son to his maternal aunt's daughter who**

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**was breastfed by her maternal aunt. My son was also breastfed two years earlier by the same woman who breastfed her (i.e. his maternal aunt's daughter). Yet he was not breastfed by the girl's mother and she was not breastfed by his mother. The marriage contract will be suspended until this inquiry is explained by Your Eminence. Please advise, may Allah reward you!**

**A:** If both your son and his maternal aunt's daughter were breastfed by the same woman mentioned above more than five times during their first two years of age, then it is forbidden for your son to marry her since she is considered his sister through breastfeeding ties. If they both or if one of them was breastfed by this woman less than five times during their first two years of age or after their first two years of age, then it is permissible for him to marry her. Allah (Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ And: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful.﴿ It was related that `Aishah (may Allah be pleased with her) said: "It was revealed in the Qur'an that ten clear breastfeedings prohibit (marriage) then it was abrogated (and substituted) by five clear breastfeedings, and Allah's Messenger (peace be upon him) died while it was likewise." It is worth mentioning that if a baby

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sucks milk from the breast - however little it may be - and then leaves it, this will be counted as one breastfeeding. If it again sucks milk from the breast - however little it may be - and then leaves it, this will be counted as a second breastfeeding, etc.

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Fatwa no. 8045

**Q: I was breast-fed by my maternal grandmother. Following the death of my maternal grandfather, my grandmother married another man and she breast-fed a woman, who also breast-fed the daughter of my paternal uncle. Scholars have held different views regarding this breastfeeding relationship. I ask Allah (Exalted be He) to guide you to answer the following question: Is it permissible for me to marry the daughter of my paternal uncle, who was breast-fed by the woman whom my maternal grandmother had previously breast-fed? Please advise, may Allah reward you best!**

**A:** breastfeeding that affects marriageability refers to breast-feeding a baby for five times or more during the first two years of the baby's life. One breastfeeding is counted when the baby holds the breast and sucks milk from it into the stomach. If the baby releases the breast then holds it and sucks milk again, this is a second breastfeeding and so on.

(Part No. 21; Page No. 110)

If both the woman and you were breast-fed five times or more by your maternal grandmother during your first two years of life, and if the girl you want to marry was breast-fed five times or more during the first two years of her life by the woman who was also breast-fed by your maternal grandmother, it would be prohibited for you to marry that girl since she would be considered your niece by breastfeeding. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ Allah also says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ The Prophet (peace be upon him) also said: ﴾"Breastfeeding relationships are equal to blood relationships in rendering (marriage) unlawful."﴿ (Agreed upon by Al-Bukhari and Muslim) It was authentically reported on the authority of `Aishah (may Allah be pleased with her) that she said, "It had been revealed in the Qur'an that ten clear times of breastfeeding affect marriageability, then it was abrogated (and substituted) by five clear times (of breastfeeding). Allah's Messenger (peace be upon him) died and the matter was settled as such." If the times of breastfeeding were less than five or if breastfeeding did not take place during the first two years of life, you would be permitted to marry her.

(Part No. 21; Page No. 111)

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Fatwa no. 8526

**All praise be to Allah Alone, and peace and blessings be upon His Last Messenger. The Permanent Committee for Scholarly Research and Ifta' has read the letter that was sent to His Honor the President from the questioner the Chairman of the Legal Court of Al-Fujarah and the subjoined areas. The concerned letter is registered at the Department of Research under number 856 and dated in 23/03/1405 A.H. The letter reads as follows: Attached is a request that was submitted by a Muslim brother in the United Arab Emirates in 15/11/1984 A.D. and that we registered under number 196 in 24/02/1405 A.H. The concerned brother inquires about the ruling on a man who married a woman that was breastfed by her paternal aunt who is the same man's ex-wife and the mother of some of his children. The breastfeeding continued for one month and took place when the man's ex-wife was married to another man. It is worth mentioning that the woman who was breastfed by her paternal aunt is still married to the man in question and they have seven children.**

**We hope that Your Honor will issue a Fatwa regarding the question mentioned above and advise the concerned man to do that which is most appropriate**

(Part No. 21; Page No. 112)

**and beneficial. May Allah bless and reward you with the best. May Allah's Peace, Mercy, and Blessings be upon you.**

**A:** If the case is exactly as what is mentioned and the concerned man's wife was breastfed by the same man's ex-wife for five times or more when the former was in the first two years of her age, she is forbidden to him for marriage because she is considered his step-daughter. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ until He (Exalted be He) states: ﴾your step daughters under your guardianship, born of your wives to whom you have gone in﴿ He (Exalted be He) also states: ﴾The mothers shall give suck to their children for two whole years﴿ Moreover, it is authentically reported that the Prophet (peace be upon him) states: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ In addition, it is authentically reported that `Aishah (may Allah be pleased with her) said: "It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective." It may be worth mentioning that one breastfeeding is that the baby holds the breast and sucks milk from it. If the baby releases the breast and holds it and sucks milk again, this will be counted as a second time and so on. However, if the concerned man's wife was breastfed by her paternal aunt for less than five times or that breastfeeding took place when the breastfed was older than two years of age, this will not affect the marriage at all.

(Part No. 21; Page No. 113)

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**Fatwa no. ( 8461 )**

**Q: I am from Yemen. My youngest brother was breastfed by my paternal uncle's daughter whom I want to marry. Has she become unmarriageable to both my brother and me or just to my brother? Please advise us regarding this problem, may Allah reward you the best!**

**A:** The breastfeeding that prohibits marriage takes place only if a baby had five sucklings or more during the first two years. The description of one suckling is as follows: a baby holds a breast and sucks milk. If it leaves the breast to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so on until five sucklings are counted. If the number of sucklings is less than five, even four, breastfeeding does not prohibit marriage. Mentioning Mahrams (spouses or unmarriageable relatives), Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ ... ﴾, your foster mother who gave you suck, your foster milk suckling sisters,﴿ and: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿

(Part No. 21; Page No. 114)

The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ (Agreed upon by Imams Al-Bukhari and Muslim). It was also authentically reported that `Aishah (may Allah be pleased with her) said: "Amongst what was sent down of the Qur'an was 'ten known sucklings forbid marriage'. Then it was abrogated by 'five known sucklings'. When the Messenger of Allah (peace be upon him) died, it was what is now recited of the Qur'an." On the other hand, if he was breastfed by her less than five times, or if he was breastfed at any time other than the first two years (of his life), it is permissible for him to marry her. As for you, it is permissible for you to marry her, regardless whether the breastfeeding of your brother exceeded this number or not.

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Fatwa no. 862

**Q 1: A woman died in her postpartum period, so her son was raised by his maternal grandmother who was not breastfeeding at that time, but she had milk at that time and she breastfed him for two years. Can this man marry his maternal uncle's daughter, given that his uncle is his foster brother?**

(Part No. 21; Page No. 115)

**A:** If the situation is as you mentioned, this man is considered his uncle's foster brother and his cousin's foster uncle. Thus, it is prohibited for him to marry her, according to Allah's saying, ﴾forbidden to you (for marriage) are: your mothers, your daughters﴿ until His saying, ﴾your brother's daughters, your sister's daughters﴿ The Prophet (peace be upon him) also said, ﴾Foster relationships are equal to blood relationships in rendering marriage unlawful.﴿

**Q 2: A man married a woman and had a child, and she breastfed another child at the same time. This woman died, and her husband married another woman. Is it permissible for the second wife to unveil her face and shake hands with the man who was breastfed by the first wife?**

**A:** If the situation is as you mentioned, the man who was breastfed by this woman is considered her husband's foster son, provided that breastfeeding occurs five times or more in the first two years. Thus, he is considered a Mahram (unmarriageable relative) for any woman whom this man marries, whether before or after the one who breastfed him. It is lawful for her to treat him like one of her Mahrams, such as unveiling her face in front of him, Khulwah (being alone with a member of the opposite sex) with him and traveling with him.

**Q 3: A woman was breastfed by many women in her childhood. Is it permissible for her husband to shake hands with all her foster mothers?**

(Part No. 21; Page No. 116)

**A:** If this woman was breastfed by each of those women five times or more in the first two years, her husband would be a Mahram for all these women. It is lawful for them to treat him like one of their Mahrams, such as unveiling their face in front of him, Khulwah (being alone with a member of the opposite sex) with him and traveling with him.

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**Fatwa no. 13096**

**Q: If there are two milk-brothers (i.e. brothers by breastfeeding ties), is it Halal (lawful) for one of them to marry the daughter of his milk-sister or the daughter of his milk-brother, or is marriage Haram (prohibited) under these circumstances?**

**A:** the breastfeeding that makes a child a Mahram (unmarriageable relative) is five or more breastfeedings within the first two years of a baby's life. If the breastfeeding of these brothers occurred in this manner, they are milk-brothers. The children of each are the milk-nieces and-nephews of the other, whether the breastfeeding relationship stems from the side of both the mother and the father, or just from the side of either the mother or the father. It is, therefore, not Halal for either of them to marry from the daughters' of the other, because they are his milk-nieces.

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Allah (Exalted be He) says: (Forbidden to you (for marriage) are: your mothers, your daughters) to His Saying: (your foster milk suckling sisters) He (Exalted be He) also says: (The mothers shall give suck to their children for two whole years) It is authentically reported that the Prophet (peace be upon him) said, ("Breastfeeding prohibits what birth (consanguinity) prohibits.") It is also authentically reported that 'Aishah (may Allah be pleased with her) said, (may Allah be pleased with her) said, "Amongst what was revealed from the Qur'an was: 'Ten known breastfeedings make (marriage) Haram (prohibited)...' It was then abrogated by: 'Five known breastfeedings...' When the Messenger of Allah (peace be upon him) died, it remained as such." It should be borne in mind that if a baby takes to a breast and sucks milk from it, and then leaves it, this is considered as one breastfeeding and if it does it again and sucks milk, this will be considered as the second breastfeeding, and so on. If the breastfeeding occurs less than five times or after the first two years of life, the child is not a Mahram and marriage is permissible.

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**The second, third and fourth questions of Fatwa no. 2**

**Q 2: Would I be a maternal uncle and Mahram (an unmarriageable relative) to a girl whom my maternal sister breastfed?**

**A:** If the girl was breastfed by your sister five times during the first two years after birth, she would become a foster daughter to your sister and you would become a foster maternal uncle to her. When the baby sucks milk from the breast, then leaves it to breathe or move to the second breast or the like, this will count as one occurrence of breastfeeding and so on. It was reported on the authority of `Aishah (may Allah be pleased with her) that she said: ﴾It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective.﴿ Related by Muslim. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ to His saying: ﴾your sister's daughters﴿ The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ Related by Al-Bukhari, Muslim, Abu Dawud, Al-Tirmidhy, Al-Nasa'iy, and Ibn Majah. The five times of breastfeeding makes marriage unlawful if they occur in the first two years of the baby's life. Allah (Exalted be He) says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ The Prophet (peace be upon him) said: ﴾

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Breastfeeding does not make marriage unlawful except when the milk enters the stomach and it occurs before weaning.﴿ Related by Al-Tirmidhy who classified it as Hadith Hasan (a Hadith whose chain of narration contains a narrator with weak exactitude, but is free from eccentricity or blemish) and Sahih (good and authentic Hadith).

**Q 3: A woman married a man and breastfed a girl then got divorced and married three husbands consecutively. Will the girl become a foster-daughter to the latter husbands?**

**A:** If breastfeeding occurs in the same way mentioned in the previous answer, the girl becomes a foster-daughter to every husband who has intercourse with her foster mother. Allah (may be He Exalted) says: ﴾ and your step daughters under your guardianship, born of your wives to whom you have gone in - but there is no sin on you if you have not gone in them (to marry their daughters), ﴿ Guardianship here is not a prerequisite for the matter.

**Q 4: am I considered a Mahram (unmarriageable relative) to the foster mother of my wife?**

**A:** If this woman breastfed your wife to the full and this breastfeeding met the conditions we stated in the first answer, you would be one of her Mahrams. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ Based on the general meaning of the Ayah (Qur'anic verse), it makes no difference whether you consummated the marriage with your wife

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after concluding the marriage contract or not.

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**Fatwa no. 1471**

**Q: My wife has a milk-sister whose husband died leaving her with five young orphans. I want to marry her to become a guardian to the orphaned children, so I can support and clothe them. Is it permissible for me to marry her or not?**

**A:** If it is confirmed that this woman is your wife's sister through breastfeeding, it is not permissible for you to be married to two sisters at the same time, because Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ to His Saying: ﴾and two sisters in wedlock at the same time, except for what has already passed﴿ It is also authentically reported from the Prophet (peace be upon him) that he said, ﴾"Breastfeeding prohibits what birth (consanguinity) prohibits."﴿ In regard to her orphaned children, you can be a guardian to them and support them without marrying their mother or being in Khulwah (being alone with a member of the opposite sex) with her.



By supporting them, you could hope for Allah's Reward. Otherwise, you may refer them to those in authority for them to manage their affairs in the way that they can with social insurance or letting the children go to an orphanage or somewhere similar.

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Fatwa no. ( 4728 )

**Q: I want to marry the daughter of my elder maternal uncle who (this maternal uncle of mine) is approximately of the same age as my mother. Both my elder brothers and their peers of my maternal uncles were breastfed by both my mother and my grandmother. As for me, I was only breastfed by my mother. The daughter of my maternal uncle was also only breastfed by her mother. They claim that I became her paternal uncle due to the breastfeeding shared between both my brothers and my maternal uncles. Please give me a Fatwa whether I am to be her paternal uncle (through breastfeeding) or is she marriageable to me?**

**A 1:** If the reality is as you have mentioned, i.e. your maternal uncles and your elder brother were breastfed by your mother and grandmother, if they were so breastfed by both your mother and grandmother five times or more during their first two years, it is not permissible for you to marry any of the daughters of these maternal uncles because you became their paternal uncle (the brother of their fathers) through breastfeeding. On the other hand, if they were breastfed less than this number or at any other time than their first two years, it is permissible for you to marry any of



the daughters of those who were so breastfed. Allah (Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ ... ﴾your brother's daughters, your sister's daughters﴿ and: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ It was proven that the Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful, i.e. whatever is prohibited due to blood relationships is also prohibited by milk relationships.﴿ It was also authentically reported that `Aishah (may Allah be pleased with her) said: "Amongst what was sent down of the Qur'an was 'ten known sucklings forbid marriage'. Then it was abrogated by ﴾'five known sucklings'. When the Messenger of Allah (peace be upon him) died, it was what is now recited of the Qur'an."﴿
It is worth mentioning that if a baby sucks milk from the breast, no matter how little is it, and then leaves it, this will be counted as one suckling. If it sucks milk again from the breast, no matter how little is it, and then leaves it, this will be counted as a second suckling, etc.

As for your maternal uncle's daughter mentioned in your question, she is marriageable to you, because she was breastfed by neither your mother nor your grandmother, and you were neither breastfed by her mother nor her grandmother, as you have mentioned in your question.



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**Fatwa no. 13613**

**Q: I am a young man and I want to marry my maternal cousin. However, I have brothers who were breast-fed by my maternal uncle's wife, the mother of the girl I would like to propose to. We are a family of seven members; one of them has died. The family of the girl I want to marry consists of eleven brothers. My own mother breast-fed four of them, and one of them has died. My maternal uncle's wife, on the other hand, breast-fed two of my brothers. Please bear in mind that the girl I want to marry was not breast-fed by my mother and I was not breast-fed by her mother. It is also worth mentioning that my mother breast-fed my maternal cousins two times only and the same was done by the wife of my maternal uncle with my brothers. Please advise. May Allah reward you best.**

**A:** If the reality is as you mentioned, you are permitted to marry your maternal cousin and the fact that your brothers were breast-fed by her mother and her brothers were breast-fed by your mother has no effect on the lawfulness of your marriage.

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Fatwa no. 15712

**Q: A person had children and his wife breast-fed another child while she was breast-feeding his eldest son. The same woman breast-fed my mother while she was breast-feeding that person's middle son; and she breast-fed another child from another family while she was breast-feeding this person's youngest daughter. What is my mother's relation to this person's children? Is she considered their sister, since they were all breast-fed by the same woman, and regardless of whether or not they were that person's children from this wife or from another wife? If two infants were breast-fed by the same woman, even if the period between breast-feeding each of them was ten years, for example, is it permissible for these siblings by breastfeeding to marry each other's sisters, since there are no ties of kinship between them except the breastfeeding ties?**

**A:** If some people are breast-fed by one woman or by the wives of one man five times for each during the first two years of their lives, they have become siblings by breastfeeding, regardless of whether the period between breast-feeding each of them is long or short. Accordingly, each one will be the uncle or aunt of the other's children. Furthermore, they become Mahrams (unmarriageable relatives) for one another. As such, they cannot marry each other. However, it is permissible for one of them to

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marry the sister of his sibling by breastfeeding, provided that she has not been breast-fed with them from the same woman.

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**The first question of Fatwa no. 12018**

**Q 1: When my father was a young man, he married a woman with whom he had sons and daughters. The youngest of them was still small when his mother - my father's first wife - became ill. Some of her female relatives took the baby and one of them breastfed him until he had grown; strictly speaking, more than five times. During his first wife's illness, my father married my mother and they had me and my brothers and sisters. His first wife passed away after a while from her illness and her youngest son remained with my father. What is the ruling on the sons of the women who breastfed this youngest son, especially the woman who breastfed him until he grew up, marrying my full sisters? These sisters are the paternal half-sisters of the son who was breastfed by those women. I hope that you will clarify the ruling. Also, what would the ruling be on one of the paternal half-sisters marrying the son of this woman? Please clarify the matter.**

**A:** If the reality is as you mentioned, it is permissible for one of your full sisters

(Part No. 21; Page No. 126)

to marry one of the sons of the woman who breastfed your paternal half-brother. Their marriage is not affected by the breastfeeding.

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Fatwa no. 12246

**Q: my mother, may Allah protect her, breast-fed a child along with one of my elder sisters. Is it permissible for me to marry one of his sisters?**

**A:** If the matter is as you have described, it is permissible for you to marry one of his sisters as this is not affected by your mother breastfeeding him.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 11943

**Q: is it permissible for a man to marry a woman whose father was breastfed**

(Part No. 21; Page No. 127)

**with his elder brother? Please, write to us to determine whether this marriage is permissible.**

**A:** If the matter is as you have mentioned, it is permissible for this man to marry this woman as their marriage is not affected by the breastfeeding.

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Fatwa no. 13630

**Q: i proposed to a girl, but the elder sister of this girl is my milk sister. Also my younger brother is the milk brother of the girl whom I want to marry. The question now is: Is it permissible for me to marry the younger girl with whom my younger brother was breastfed from her mother's milk, and her elder sister was breastfed with me from my mother's milk? Kindly give us your Fatwa in this regard.**

**A:** If the case is as you have mentioned, it is permissible for you to marry the younger girl. Her sister's breastfeeding from your mother or your younger brother's breastfeeding from

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her mother and has no affect on this.

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**Fatwa no. 13604**

**Q: my uncle's wife breastfed my youngest brother, while my mother breastfed my cousin who is older than me. My uncle's wife has a daughter who is older than all of us. Is it permissible for me to marry her granddaughter? Please, advise us and thank you very much.**

**A:** If the matter is as you have described, it is permissible for you to marry her granddaughter as this breastfeeding does not affect your marriage.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 13573**

**Q: As I would like to avoid doubts, my story is as follows:**

**First: I am a young man who would like to marry the daughter of my paternal aunt.**

**Second: the son of my paternal aunt was breastfed with my full-sister; although my sister has since passed away.**

**My question is: Is it permissible for me to marry my paternal cousin, bearing in mind that my aunt's son married a woman from outside my family. I hope that you will advise us and may Allah grant you success to do what pleases Him. Peace, Mercy, and Blessings of Allah be upon you!**

**A:** If the reality is as you mentioned, it is permissible for you to marry your paternal cousin, and the fact that her brother was breastfed by your mother has no effect on the legality of the marriage.

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Fatwa no. 213

**Q: a man has a girl who is engaged to a young man. In her childhood, she used to mix with his siblings and I think this young man's mother breastfed this girl. When**

(Part No. 21; Page No. 130)

**she was asked about this, she was first a bit hesitant as she does not remember anything about this breastfeeding. Eventually, she resolutely denied that she breastfed the girl. He asks about the validity of giving this girl in marriage to this young man.**

**A: The fundamental ruling is** that breastfeeding does not take place, and things remain unchanged except if proven otherwise. The questioner does not have, as he mentioned, any proven evidence to change what is certain. Having mixed with his siblings during childhood is not sufficient evidence to prove that breastfeeding occurred. Therefore, if it is not certain that the girl or the young man was breastfed by any of this man's wives for five times, or that both of them were breastfed together by one woman, then their marriage to each other is permissible. It is not affected by her having mixed with his siblings when she was breastfeeding.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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**Fatwa no. 727**

**Q: mani` proposed to marry the questioner's sister Zar`ah. The questioner disapproved of the marriage proposal fearing there could be a breastfeeding relationship between his sister and mani`. Then the questioner agreed with Mani` that he would not oppose the marriage proposal if the latter and his family give him a sum of money. The question is whether doing so is considered a sin or not?**

**A:** If the questioner does not know for sure that there is a breastfeeding relationship between his sister and her suitor and the questioner only suspects the possibility, rejecting the marriage proposal is not the correct thing to do. This is because the basic ruling is the absence of breastfeeding and basic rulings are not to be contra posed except by Shar`y (Islamic legal) reasons. However, the questioner did not mention a Shar`y reason for opposing the original ruling. The questioner's doubt has no bearing on the possibility that there might be a breastfeeding relationship between his sister and her suitor; thus, this does not change the original ruling in any way.

On the other hand, taking money from the man and his family for not objecting to the marriage is tantamount to seizing others' property unjustly. It is impermissible for him to receive any money unless they give it to him willingly and not for accepting the proposal. This is because if such an objection is well-founded, it will be Haram (prohibited) to recant or neglect it; and if it is not, it will be impermissible to abide by it or to receive compensation for denying it.

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**Fatwa no. 814**

**Q: A man proposed to marry the daughter of his paternal cousin. The girl's father agreed while her mother refused claiming that she had breastfed the man. When she was asked again, the mother said that she was not sure. The man married the girl and is asking about the validity of this marriage contract based on what has been said.**

**A:** the prohibition of marriage due to breastfeeding does not apply except after fulfilling the following:

Firstly: It must be established. If there is any doubt, the breastfeeding is not taken into consideration, since the basic rule is the breastfeeding not taking place. It is not permissible to deviate from the basic rule except with a Shar`y (Islamically lawful) reason. Doubt does not prove it has taken place.

Secondly: The number of times of breastfeeding must be 5 or more.

Thirdly: The breastfeeding must take place during the first two years of the child's life.

It is mentioned in your question that the girl's mother said that she had breastfed the man and then doubted doing it and the man's mother denies that this happened. If there is no one to affirm that the breastfeeding took place, the girl's mother's claim to have breastfed the man and then doubting it after a while has no effect on the validity of the man's marriage

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to his cousin's daughter.

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**The third question of Fatwa no. 5831**

**Q 3: a woman fell asleep and another woman's child suckled from her. When she woke up, she found the child lying beside her holding her breast, but she did not know the exact number of times she breastfed it. Is it permissible for this child to marry any of the woman's daughters or not?**

**A:** It is permissible for this child to marry any of the woman's daughters, unless she knows that she had breastfed him for 5 times.

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Fatwa no. 3962

**Q: I want to marry the daughter of my maternal aunt, but the problem is that there is a suspicion that my grandmother, the mother of my mother and her mother, may have breastfed both of us, as**

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**our grandmother is not sure about this milk-relationship. When we ask her about it, she says, "I do not know, I have forgotten. If this girl breastfed from me, I did not have any milk at that time." I hope that you will give us a suitable solution. Based on our grandmother's statement, is it permissible for me to marry her or not?**

**A:** If the reality is as you mentioned, it is permissible for you to marry the maternal cousin whom you mentioned, because the breastfeeding concerning which there is doubt has no legal effect. It is well-known that the milk-relation that prohibits marriage is that which is due to known breastfeeding, if it is five or more feedings, within the first two years of a baby's life. If it is not certain, permissibility is the basic ruling.

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**Fatwa no. ( 6121 )**

**Q: My paternal aunt (the sister of my father) claims that she breastfed me while my mother was stung in her leg, and that she then breastfed me to save my life. Finally, she says that she is not certain about the period of breastfeeding, i.e. whether it was one suckling or whether it extended for a period of an hour. She also says that her daughters are unmarriageable to me. Please give us a Fatwa on this issue, may Allah reward you the best!**

**(Part No. 21; Page No. 135)**

**A:** The breastfeeding that entails prohibition of marriage takes place only if the baby gets five sucklings or more during the first two years, each suckling is as follows: A baby holds a breast and sucks milk. If it leaves it to take a breath or to be moved to another breast, then this is to be counted as one suckling, and so on until five sucklings are counted.

Accordingly, if it is proven that you were breastfed by your mentioned paternal aunt five times or more during the first two years of age, in such a manner as mentioned above, then it is not permissible for you to marry any of her daughters. For, due to that breastfeeding you become a brother in breastfeeding to them. Allah (Glorified and Exalted be He) says: ﴿Forbidden to you (for marriage) are: your mothers﴾ He (Glorified be He) also says ﴿your foster milk suckling sisters﴾ And: ﴿The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴾ It was also authentically reported from `A'ishah (may Allah be pleased with her) that she said: "Amongst what was sent down of the Qur'an was 'ten known sucklings forbid marriage'. Then it was abrogated by 'five known sucklings'. When the Messenger of Allah (peace be upon him) died, it was what is now recited of the Qur'an." On the other hand, if you were breastfed by her less than five times, or were breastfed after the first two years (of your life), it is permissible for you to marry any of the daughters of your mentioned paternal aunt. It is worth mentioning that the doubted breastfeeding

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is not to be considered.

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**The third question of Fatwa no. 6339**

**Q 3: A woman woke up to find that a child of another woman had fed itself from her breast. She doubts the number of times it fed. Will it be permissible for that child to marry any of the daughters of that woman when it grows up?**

**A:** In case the child is breastfed from the woman five times or more during its first two years of infancy, it will not be permissible for him to marry any of her daughters. Allah (Exalted be He) states: ﴾Forbidden to you (for marriage) are: your mothers, your daughters﴿ ﴾your foster milk suckling sisters﴿ Allah (Exalted be He) also states: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿ It was authentically narrated that the Prophet (peace be upon him) stated: ﴾Wet-nursing makes unlawful what consanguinity makes unlawful.﴿ It was also authentically narrated by `Aishah (may Allah be pleased with her) that she said: "It was among the revelation of the Qur'an

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that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective. It should be noted that a single Rad`ah (lactation) is established when the child's mouth loses hold of the breast after drawing milk into his stomach. A second Rad`ah is established when it repeats the same action again and so on. If the child is breastfed less than five times or following its first two years of infancy or the number of Rad`ah is doubted, marriage will not be prohibited.

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Fatwa no. 12610

**Q: I married one of my relatives in Rabi` Al-Awwal, 1385 A.H. When I married her, she was breastfeeding her daughter whom she had from her ex-husband. Her daughter was two years old at that time. My sister-in-law had given birth to a boy a month after her sister's marriage. Many years later, my wife and I had other daughters. When their cousin grew up, he proposed to one of them, and I agreed. However, a few days after the engagement, rumors spread**

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**that the boy was breastfed by his aunt while she was breastfeeding her daughter. So, I asked my wife about this, and she swore to me that it never happened, and that they lived together at their uncle's house.**

**A:** If the situation is as you mentioned, that your wife did not breastfeed her nephew, and that your daughter was not breastfed by her aunt, it is permissible for your daughter to marry her cousin. Rumors are not taken into account; what matters is the truth.

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**Fatwa no. 15746**

**Q: my father is married to a woman and has a child. After marriage, it was claimed that his paternal sister had breastfed his wife. My father's sister had died, and we have no idea about the number of times of this breastfeeding, and whether this is true or not. It was just claimed, and we are in doubt. Please advise.**

**A:** The original ruling is that a marriage is valid until breastfeeding is proved to have occurred

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with its conditions: being in the first two years, as the Prophet (peace be upon him) said, (The only breastfeeding that creates the relationship of Mahram (unmarriageable relatives) is that which fully satiates the stomach before weaning.) Narrated by Al-Tirmidhy and ranked as Sahih (authentic). They must be five times of breastfeeding. It was authentically reported from `Aishah (may Allah be pleased with her) that she said, (It was among the revelation of the Qur'an that ten known times of breastfeeding make the marriage prohibited, but this was later abrogated and reduced to five. The Messenger of Allah (peace be upon him) died and the ruling remained effective.) Narrated by Muslim, Abu Dawud and Al-Nasa'y. Otherwise, the original ruling is that the marriage is valid, so you should not doubt it or hesitate.

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**The first question of Fatwa No. ( 3648 )**

**Q 1: A young boy or girl was breastfed by a certain woman who doubted the times of breastfeeding that took place. Yet, she says that when the baby was brought to her, both her breasts were filled with milk and the baby suckled until her breasts were light. What is the ruling on that? I witnessed this case myself. They want to marry the breastfed girl to a brother of the breastfeeding woman. What is the meaning of the statement of the Prophet (peace be upon him):** ﴾So anyone who avoids

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the doubtful matters has protected their faith and their honor.﴿ **He (peace be upon him) also said:** ﴾Leave what causes you doubt and turn to what does not cause you doubt.﴿ **He (peace be upon him) also said to the man who came to ask him about Al-Birr (righteousness):** ﴾You have come to ask about Al-Birr (righteousness)?﴿ **Some scholars and Fuqaha' (Muslim jurists) also said: "If the breastfeeding woman doubts the times of breastfeeding that took place after the husband consummated marriage, then their marriage was built on certainty and it can only come to an end when there is certainty about the number of sucklings. Yet, if the breastfeeding woman doubts before they consummate marriage, they should be separated in order for them to be on the safe side and should not continue on doubts." Is this opinion correct or not?**

**A 1:** The breastfeeding that prohibits marriage takes place only if the baby had five sucklings or more during the first two years of its life. The description of one suckling is as follows: A baby holds a breast, sucks milk, and then leaves it. If the baby comes to suck milk through it again, then it is considered to be a second suckling, and so forth. Accordingly, if the mentioned girl was breastfed by the mentioned woman five times or more during the first two years in the manner mentioned above, then it is not permissible for the brother of the breastfeeding woman through breastfeeding to marry this girl since he became her maternal uncle through breastfeeding. Allah (Glorified and Exalted be He) says: ﴾Forbidden to you (for marriage) are: your mothers﴿ ... ﴾your brother's daughters, your sister's daughters﴿ Allah also says: ﴾The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling﴿

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The Prophet (peace be upon him) said: ﴾Milk relationships are equal to blood relationships in rendering marriage unlawful i.e. whatever prohibited due to blood relationships is also prohibited by milk relationships.﴿ It is also authentically reported that `A'ishah (may Allah be pleased with her) said: "Amongst what was sent down of the Qur'an was 'ten known times of suckling forbid marriage. Then, it was abrogated by 'five known times of suckling'. When the Messenger of Allah (peace be upon him) died, the latter rule was in force." On the other hand, if the girl was breastfed less than five times or after the first two years (of her life), it is permissible for the mentioned man to marry the mentioned girl. It is worth mentioning that the doubted breastfeeding is null and unconsidered. As for the statement you cited by some scholars i.e. "what is based on certainty cannot be nullified due

to doubt," this is correct. It is preferable for the mentioned man not to marry the mentioned girl to avoid doubt and to act according to the Hadiths mentioned in the question.

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**The first question of Fatwa no. 4006**

**Q 1: I want to marry my maternal uncle's daughter, but her mother claims that**

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**her daughter was breast-fed by my stepmother with one of my brothers. No one could identify how many times this happened, because my stepmother died and the girl's mother was sick at the time of breastfeeding. However, the girl says that my stepmother used to say to her, "Why do not you obey me? I breast-fed you until you were satiated."**

**This is the only evidence we have. Please advise. May Allah reward you! Is it lawful for me to marry this girl or not?**

**A:** If the reality is as you mentioned, that breastfeeding really took place, but there was no way to confirm the number of times of breastfeeding because the breastfeeding woman had already died, and since she used before her death to ask the girl you want to marry to obey her, because she had breast-fed her until she was satiated, you would better not marry that girl, as she might have been breast-fed by your stepmother five times or more. It was authentically reported that the Prophet (peace be upon him) said: ("Leave what causes you doubt and turn to what does not cause you doubt.") You should also take into account the disagreement among the scholars in the times of breastfeeding that prohibit marriage.

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**The third question of Fatwa no. 2450**

**Q 3: Engaged in foreplay with his breastfeeding wife, the husband sucked some of her breast milk. Is she considered unlawful for him?**

**A:** She is not considered unlawful for him, because breastfeeding that affects marriageability has to take place during the first two years of the baby's life and the baby must be breast-fed for at least five times. This is based on the Ayah (Qur'anic verse) which reads: (The mothers shall give suck to their children for two whole years, (that is) for those (parents) who desire to complete the term of suckling) The ruling is also based on the Hadith in which the Prophet (peace be upon him) said: ("There is no breastfeeding over the age of two years.") Other Hadith have been narrated to the same effect.

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**does blood take the same ruling as breastfeeding rendering someone a Mahram?**

**Fatwa no. 310**

**Q: My wife is sick and needs blood. The hospital asked me to donate blood for her. Does this have any effect on our marital life?**

**A:** Perhaps the questioner makes an analogy between blood and milk that establishes a relationship of a Mahram (spouse or unmarriageable relative). This analogy is not valid for two reasons:

First, blood is not a source of nourishment like milk.

Second, breastfeeding that establishes a relationship of a Mahram is based on two conditions: (1) the number of breast feedings should not be less than five;

(2) this should occur within the first two years of the infant's life.

Therefore, this blood which you donated to your wife does not have any effect on your marital life.

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**The first question of Fatwa no. 96**

**Q 1: Does blood transfusion between a man and a woman affect their eligibility for marriage to each other, as when they have breastfeed from the same woman, or not?**

**A:** Blood transfusion from a person to another is not the same as breastfeeding, neither linguistically nor legally. As such, it does not take the same rulings of breastfeeding concerning the impermissibility of marriage. Similarly, if it is said that the origin of milk is blood and it should take the same ruling, this is not acceptable because it changes by Allah's will from blood to milk. Thus, it falls under certain rulings different from that of its origin. Furthermore, rulings pertaining to breastfeeding are not open for Ijtihad (juristic effort to infer expert legal rulings), because it is similar to matters of worship, and that is why such rulings are not subject to Qiyas (analogy) comparing feeding to blood. Moreover, the rulings related to breastfeeding are based upon religious texts and are confined to it. They refer to breastfeeding which is based upon a woman's milk after she gives birth as well as the infant having to have breastfed five or more times in the first two years.

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**Fatwa no. 1507**

**Q: Is it permissible for a husband to donate blood to his wife who is experiencing a serious health condition which requires urgent transfusion of 500 cm of blood? Is it true that she becomes unlawful to him?**

**A:** In case the wife's health condition necessitates a blood transfusion, it is permissible for her to receive the blood donated by her husband or any other person. Unlike Rada` (breastfeeding which produces the legal impediment to marriage of milk-kinship), blood transfusion, no matter how large the amount, does not affect the marriage relationship in case one of the couple happens to donate his blood to his partner. Accordingly, the wife will not become unlawful to her husband by virtue of this donation. The same holds true if the husband receives blood transfused from his wife.

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**The fourth question of Fatwa no. 19477**

**Q 4: It is known that Shari`ah (Islamic law) stipulates that specific times of breastfeeding given by any woman to any infant make that woman the mother of the infant by breastfeeding. What is the ruling of Shari`ah on**

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**a woman who has donated about four hundred and fifty milliliters of her blood to a child who has been in need of blood transfusion? It is worth mentioning that amongst the components of breast milk are antibodies which are also included in the blood. Is that woman regarded as a mother of this child because of the blood transfusion?**

**A:** blood donation does not divert marriageable relatives to be unmarriageable ones as breastfeeding does. Consequently, if a woman donates some of her blood to a child, this will not cause the child to be regarded as her son. The same ruling applies regardless of the quantity of the donated blood and the number of times transfusion takes place.

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## Expenditure and Custody

**Fatwa no. 4359**

**Q: I am a well-to-do person and I have earned all my wealth from Halal (lawful) sources. I perform all my duties towards my relatives and the poor. I am trying not to fall short in that matter. Thanks to Allah (Exalted be He), I have built a house and equipped it with luxurious and expensive furniture brought from abroad. However, I am at a loss, because I do not know whether what I have done makes me one of those about whom Allah (Exalted be He) says:** ﴾"And turn not your face away from men with pride, nor walk in insolence through the earth. Verily, Allâh likes not any arrogant boaster.﴿ ﴾But spend not wastefully (your wealth) in the manner of a spendthrift.﴿

**A:** spending money extravagantly may be Haram (prohibited) or Makruh (reprehensible). The prohibition of squandering is emphasized in the following Ayah (Qur'anic verse) in which Allah (Exalted be He) says: ﴾O Children of Adam! Take your adornment (by wearing your clean clothes), while praying and going round (the Tawâf of) the Ka'bah, and eat and drink but waste not by extravagance, certainly He (Allâh) likes not Al-Musrifûn (those who waste by extravagance).﴿ Allah (Exalted be He) also says: ﴾And give to the kinsman his due and to the Miskîn (poor) and to the wayfarer. But spend not wastefully (your wealth) in the manner of a spendthrift. (Tafsir At-Tabarî)﴿ ﴾Verily, the spendthrifts are brothers of the Shayâtîn (devils), and the Shaitân (Devil-Satan) is ever ungrateful to his Lord.﴿ ﴾And if you (O Muhammad صلى الله عليه و سلم) turn away from them (kindred, poor, wayfarer whom We have ordered you to give their rights, but if you have no money at the time they ask you for it) and you are awaiting a mercy from your Lord for which you hope, then, speak unto them a soft kind word (i.e. Allâh will give me and I shall give you).﴿ ﴾And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.﴿



Thus, we advise you to be moderate in all your matters and to contribute to the charitable ways of disposition. For example, you can support your poor relatives and fellow Muslims, help in building Masjids (Mosques), encourage schools of Qur'an memorization, sponsor Du`ah (callers to Islam), and finance the printing of books of `Aqidah (creed), Tafsir (exegesis of the meanings of the Qur'an), Sunnah and its texts and commentaries, Fiqh (Islamic jurisprudence) and its principles, in addition to contributing to other ways of charitable disposition.

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**The fifth question of fatwa no. 6384**

**Q 5: A- Is there any proof from the Sunnah (whatever is reported from the Prophet) for the opposition of Muslim houses to be like the houses of Jahiliyyah (pre-Islamic time of ignorance) which had luxurious couches and shiny fabric?**



**B- Some Muslims buy whatever technological devices and personal properties they can afford aiming at saving time for `Ibadah (worship), or they justify this by mentioning that Allah (Exalted be He) loves to see the effects of His bounties on His slave. Does this contradict righteousness, piety, and Zuhd (attaching the heart to the hereafter more than the present life)?**

**A:** A- the original ruling regarding spending money on food, clothes, furniture, etc. is that a Muslim has to follow a moderate way between extravagancy and miserliness. People differ in this regard according to the differences between their classes, conditions, positions, and financial capabilities. Amongst the proofs for the foregoing is that Allah (Exalted be He) says while praising the slaves of the Most Beneficent: ﴿And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).﴾ Allah (Exalted be He) also says: ﴿O Children of Adam! Take your adornment (by wearing your clean clothes), while praying and going round (the Tawâf of) the Ka'bah, and eat and drink but waste not by extravagance, certainly He (Allâh) likes not Al-Musrifûn (those who waste by extravagance).﴾ ﴿Say (O Muhammad صلى الله عليه وسلم): "Who has forbidden the adornment with clothes given by Allâh, which He has produced for His slaves, and At-Taiyyibât [all kinds of Halâl (lawful) things] of food?" Say: "They are, in the life of this world, for those who believe, (and) exclusively for them (believers) on the Day of Resurrection (the disbelievers will not share them)." Thus We explain the Ayât (Islâmic laws) in detail for people who have knowledge.﴾ ﴿Say (O Muhammad صلى الله عليه وسلم): "(But) the things that my Lord has indeed forbidden are Al-Fawâhish (great evil sins and every kind of unlawful sexual intercourse) whether committed openly or secretly, sins (of all kinds), unrighteous oppression, joining partners (in worship) with Allâh for which He has given no authority, and saying things about Allâh of which you have no knowledge."﴾



Besides, He (Exalted be He) says: ﴿And it is He Who produces gardens trellised and untrellised﴾ Until His saying: ﴿Eat of their fruit when they ripen, but pay the due thereof (its Zakât according to Allâh's Orders 1/10th or 1/20th) on the day of its harvest, and waste not by extravagance. Verily, He likes not Al-Musrifûn (those who waste by extravagance),﴾

B- Enjoying the bounties of Allah does not contradict righteousness, piety, and Zuhd as long as the person gains their money through Halal (lawful) means, follows a moderate way of spending their money, and fulfills the rights of Allah regarding the bounties that Allah bestowed upon them. Proof for the foregoing is that prophet Sulayman (Solomon, peace be upon him) made Du`a' (supplication)

to his Lord (Exalted be He) about which Allah says: ﴾"My Lord! Forgive me, and bestow upon me a kingdom such as shall not belong to any other after me: Verily, You are the Bestower."﴿ Thus Allah bestowed upon Sulayman dazzling graces that were considered signs of Allah's power and that Sulayman (peace be upon him) thanked Allah for them and used them in a way that pleased Him (Exalted be He). Prophet Sulayman enjoyed such graces in the Halal ways and was amongst the grateful, i.e. enjoying graces did not contradict his righteousness, piety, and Zuhd.



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**The twelfth question of Fatwa no. 7539**

**Q 12: What is the ruling on having a lot of possessions, such as furniture and the like, with the intention of comforting oneself?**

**A:** The basic rule regarding expenditure is that Muslims have to be moderate in eating, drinking, dressing, and furnishings. This is because of the general meaning of the following Ayah (Qur'anic verse) in which Allah (Exalted be He) says: ﴾And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).﴿ Allah (Exalted be He) also says: ﴾O Children of Adam! Take your adornment (by wearing your clean clothes), while praying and going round (the Tawâf of) the Ka'bah, and eat and drink but waste not by extravagance, certainly He (Allâh) likes not Al-Musrifûn (those who waste by extravagance).﴿

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(Part No. 21; Page No. 154)

**Fatwa no. 7452**

**Q: I have a friend who is married and has two sons. He has a good job, but he is hesitant about saving money. It is worth mentioning that he does not have a house of his own and lives in a furnished apartment. Is it permissible for him to save money to make a house of his own? The reason for his hesitancy is the following Ayah (Qur'anic verse):** (And they ask you what they ought to spend. Say: "That which is beyond your needs.") **He has also read in a Hadith what means that it is not permissible for a person to own and save what is beyond their needs. Rather, they should give in Sadaqah (voluntary charity) any excess beyond their needs. Moreover, he has tried more than once to save money to make a house, but every time a needier person asks him for money, he gives it to him. Can he abstain from giving money to the needy until he owns a house?**

**A: First,** this person should save from his earnings what saves him and his family from being in need in order to build a house for him and those in his charge. Neither the Qur'an nor the Sunnah (whatever is reported from the Prophet) includes any Nas (text) that prohibits saving money or obligates a Muslim to give any excess beyond their needs as Sadaqah. Furthermore, a house where a person should live in with his family is considered a need. Also, neither the Qur'an nor the Sunnah includes any Nas that obligates a Muslim to give their money to a needier person so as to raise the latter's level and make them equal or almost equal to theirs.

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Allah (Exalted be He) has prescribed Zakah (obligatory charity) on the excess money left beyond one's needs, provided that it reaches the Nisab (the minimum amount on which Zakah is due) and has been possessed for one lunar year. During times of calamities, Allah (Exalted be He) has obligated the people in the place where the calamity is taking place to help with all that ensures safety or the end of this calamity; and He has made this responsibility a collective or an individual obligation according to each one's means.

**Second,** there were rich Sahabah (Companions of the Prophet - may Allah be pleased with them), such as `Uthman ibn `Affan, `Abdul-Rahman ibn `Awf, and others. Although their excess money were kept for one lunar year and reached the Nisab, the Prophet (peace be upon him) did not obligate them to pay more than the due Zakah. In fact, he used to recommend the Zakah collectors to deal fairly with the rich and the recipients of Zakah. He advised them not to do wrong to the rich and at the same time not to undervalue the due of the poor, the needy, and the other categories of Zakah recipients, and to be merciful towards both parties, and to establish justice among them. At times of calamities, he (peace be upon him) used to urge them to spend money as happened in the Conquest of Tabuk when some Sahabah brought all their money, such as Abu Bakr; others brought half their money, such as `Umar; and some others equipped the army of Al-`Usrah, such as `Uthman (may Allah be pleased with them). This means that each one of them gave in Sadaqah what appealed to him as a way of answering the call of doing good and supporting Jihad (striving in the Cause of Allah).

They were not reproached for not giving in all their money as Sadaqah, whether what was left of it was little or much. Even more, the Prophet (peace be upon him) has urged Muslims to bequeath their money, but not more than a third of it, even if there is a lot of money and there are a few inheritors. There is other evidence indicating that a person is permitted to keep in their possession what is beyond their needs.

Accordingly, it is permissible for this person to save money that enables him to build a suitable house for him and his family.

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**The fifteenth question of Fatwa no. 606**

**Q 15: why are a rich wife and sister not obliged to spend on a poor husband and brother respectively?**

**A:** Allah has obliged men to spend on their wives and the womenfolk who are under their care, as He says, ﴾Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.﴿ He has decreed that men are the protectors and maintainers of women

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as He has imbued men with better understanding and due to their spending in mahr and maintenance. In return for their heavier responsibility, men have rights over their wives. A wife should take care of her house and children, and the like. Thus, Allah entitles each of the spouses to have rights befitting their nature as He says: ﴾And they (women) have rights (over their husbands as regards living expenses) similar (to those of their husbands) over them (as regards obedience and respect) to what is reasonable, but men have a degree (of responsibility) over them. And Allâh is All-Mighty, All-Wise.﴿

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**The third question of Fatwa no. 1818**

**Q 3: Is it permissible for a man to marry four wives and give the first wife a quarter of a French riyal, the second wife half of a French riyal, the third wife one and a half French riyals, and the fourth wife one French riyal to buy their needs?**

(Part No. 21; Page No. 158)

**A:** It is permissible for the Muslim man to marry four wives. This is based on the general meaning of the Ayah (Qur'anic verse) in which Allah (Exalted be He) states: ﴾then marry (other) women of your choice, two or three, or four﴿ (Surah Al-Nisa', 4: 3)... This has also been authentically reported in the Prophet's Sunnah (whatever reported from the Prophet) and the entire Muslim Ummah (community) unanimously agree upon this.

The amount of money a husband should give each wife should be what is sufficient to fulfill her needs. This is based on the Hadith in which the Prophet (peace be upon him) stated: ﴾Their rights upon you are that you should provide them with food and clothing in a fitting manner.﴿

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**The third question of Fatwa no. 9258**

**Q 3: Is it permissible to give my wife money whenever she asks me, or should I only give her money in certain cases? What are these cases? May Allah guide and support you!**

**(Part No. 21; Page No. 159)**

**A:** a husband is obligated to provide his wife with Nafaqah (obligatory financial support), clothing, and housing. It is also prescribed for the husband and wife to treat each other well and honorably. This is because Allah (Exalted be He) says: ﴾Men are the protectors and maintainers of women, because Allâh has made one of them to excel the other, and because they spend (to support them) from their means.﴿ Allah (Exalted be He) also says: ﴾Lodge them (the divorced women) where you dwell, according to your means﴿ Allah (Exalted be He) also says: ﴾and live with them honourably.﴿ The Prophet (peace be upon him) said: ﴾"Their (your wives') rights upon you are that you should provide them with sustenance and clothing on a reasonable basis."﴿

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Fatwa no. 9819

**Q: I married a woman and we remained together for nineteen years. She bore me two sons and two daughters. During that period, our financial conditions were tight and my wife could not bear the lack of**

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**money and asked for Talaq (divorce pronounced by a husband), giving up all her rights. We got divorced and each one of us remarried. I bought a humble house where I lived with my second wife and my children from the first wife. Now all my children from the first wife are married and they have left the house. I still live with my second wife and my children from her in this small house. During these years, we have had the opportunity to rent a shop from the government for eleven pounds. Due to my weak eyesight, I rent out the shop for thirty pounds; and I pay the eleven pounds to the government and spend the rest on my family.**

**Please tell me whether my first wife and our children have any right to the value of the shop and house. Bear in mind that my children from the second wife are still minors. If I sell the shop to spend its value on my minor children, do my older children have any right to it? I fear they may dispute after my death. Please answer my question!**

**A: First,** you are not obliged to provide for your ex-wife and she has no right to your inheritance.

**Second,** after your death, any of your children - either from the first wife

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or the second one - who is still alive shall inherit from you, whether a grownup or a minor.

**Third,** any wife you leave behind after your death shall inherit from you.

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Fatwa no. 18705

**Q: I provide for two wives, two sons, two daughters, a mother, a divorced sister, and her three sons, who are also living in my house. Based on my desire to provide for both my wives and children equally with regard to food, drink, and clothing, I have done the following:**

**First, I have allotted a monthly amount of a hundred riyals for each wife. Each of them is free either to save this money or to spend it on buying clothes and the like.**

**Second, I have allotted an amount of fifty riyals for each one of my sons and daughters to spend as they wish. If this money is not spent, it will be saved for them to spend later on buying clothes and the like.**

**Third, I have allotted a monthly amount of eight hundred riyals for the expenses of my first house to be spent on food and drink. This house includes my mother, my wife, a son, a daughter, my sister, and her three sons.**



**Fourth, I have allotted a monthly amount of four hundred riyals for the expenses of my second house to be spent on food and drink. This house includes my other wife, a son, and a daughter.**

**Is this lawful? Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**

**Should I observe equity between my wives in anything other than the nights I spend with each one and the money I give to each?**

**It is worth mentioning that when I married my first wife, I provided her with Mahr (mandatory gift to a bride from her groom), jewelry, and furniture. Then I married my second wife. Should I give my first wife the same amount I gave my second wife or should each receive her own amount of Mahr, jewelry, and furniture?**

**Is it permissible to favor one of my two wives due to her kind treatment and obedience? May Allah safeguard you.**

**A:** Your duty is to provide for your wives, children, mother, and sister on a reasonable basis, that is, to meet their needs as much as you can. Moreover, it is not permissible for you to save money for any of your children to the exclusion of the others. However, it is not necessary to pay the same amount of Mahr to both your wives. May Allah guide to what He likes and pleases Him.

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Fatwa no. 20555

**Q: I am an eighty-year-old man and I have two wives, but I have no fixed source of income. One of my wives lives in Tabuk while the other lives in Al-`Ula, in Madinah. Thanks to Allah, I was able to buy with my own money a piece of residential land for my wife who lives in Tabuk. I applied for a loan from the Land Bank in the name of my son from this wife living in Tabuk. The house I built is composed of two floors; the first floor for my wife and her children and the second floor is divided into two apartments. My son lives in one apartment with his wife and children and the other is rented out and the rental money is used to support my wife and children who live in the same building in Tabuk. Later, I bought another piece of residential land in Al-`Ula with my own money without anyone's help. I applied for a loan from the Land Bank. I built a house of two floors, each having one apartment. My wife and children live on the second floor while the first floor is rented out and the rental money is used to support my wife and children. Each of my wives has her own apartment and receives her sustenance from the rented apartment in the same building. The problem is that my wife who lives in Tabuk wants me to empty the first floor in Al-`Ula building to stay there when she comes during**

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**the summer vacations. This will leave the apartment empty the rest of the year; and she already has her own apartment in Tabuk, an apartment for her son, and a rented apartment to support her. I fear Allah (Exalted be He) and I am Multazim (a practicing Muslim). I want to free myself of any sin that I may incur because of my wife's request for something she does not own. I hope you can guide me in this regard. Does she have any right to one of the apartments in the building located in Al-`Ula where my other wife is living? I do not have a fixed source of income and each of my wives lives in her own building and her sustenance comes from a rented apartment in the same building. Please guide me in order not to commit a sin. May Allah safeguard you!**

**A:** it is your duty to provide both your wives and your children with homes and to meet their needs. The two buildings are possessed by you and their revenues are yours and you can dispose of them as you wish according to your needs.

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**The first and second questions of Fatwa no. 21239**

**Q 1: Should a husband give his wife a monthly allowance**

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**in addition to providing her with all her needs, such as food, clothes, etc?**

**A:** A husband is not required to give his wife a monthly allowance as long as he provides her with her necessary demands, such as food, clothes, etc. May Allah grant us success!

**Q 2: Does a husband have the right to spend his money as he wishes as long as he does not disobey Allah?**

**A:** Yes, a husband has the right to spend his money on anything as long as it is within the limits of the Shari`ah (Islamic Law) and as long as he obeys Allah. Allah (Exalted be He) says about the attributes of the believers, ﴾And those who, when they spend, are neither extravagant nor niggardly, but hold a medium (way) between those (extremes).﴿ and, ﴾And let not your hand be tied (like a miser) to your neck, nor stretch it forth to its utmost reach (like a spendthrift), so that you become blameworthy and in severe poverty.﴿

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**The second question of Fatwa no. 5101**

**Q 2: my husband refuses to support me and my children financially. When all the money I have is spent, I take from his money without his knowledge in order to sustain myself and my children. Am I sinful?**

**A:** If the reality is as you mentioned, that you take from your husband's money to sustain yourself and your children, it is permissible for you to take some of his money on a reasonable basis. It was authentically reported that Abu Sufyan's wife said: ("O Messenger of Allah! Abu Sufyan is a miser; he gives me no money to sustain myself and my child, so I take from his money without his knowledge." The Prophet (peace be upon him) said, 'You can take what suffices you and your child on a reasonable basis.'")

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Fatwa no. 17612

**Q: In which case is it permissible for a wife to take from her husband's money and belongings? If this occurs, what is the Kaffarah (expiation) for this? It should be mentioned that some of these belongings and money are available.**

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**A:** It is impermissible for a woman to take from her husband's money except with his permission unless he does not spend enough to cover her expenses. In this case, it is permissible for her to reasonably take what suffices her and her children. When Hind Bint `Utbah complained to the Prophet (peace be upon him) that her husband Abu Sufyan did not spend enough for her and her children, he (peace be upon him) said: (Take of his money what reasonably suffices you and your children.) Thus, there is no Kaffarah (expiation) for this if the situation is as mentioned. However, if he does spend enough to cover her needs, she should return what she has taken from his money, even without informing him if she fears that this may annoy him or make him angry with her.

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**The second question of Fatwa no. 20399**

**Q 2: a man earns unlawful money, and he does not listen to his wife's advice. Is it permissible for his wife to live on this unlawful money, given that she has no other source of living? Should she continue her life with him or is she obligated to ask for Talaq (divorce pronounced by a husband)?**

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**It is worth mentioning that his money is earned through trading in unlawful items.**

**A:** If she knows that her husband's money is unlawful, it is not permissible for her to live on these ill-gotten gains. She has to ask him to earn his living through lawful means; otherwise, she should report him to the officials, such as the Shari`ah (Islamic law) Court.

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**The fifth question of Fatwa no. 19659**

**Q 5: is it permissible for a woman to give her parents some of the money her husband gives her to buy clothes or something else for herself?**

**A 5:** If the money is above her needed expenses, there is no harm in giving her parents from it with her husband's permission.

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**The second and tenth questions of Fatwa no. 17262**

**Q 2: Is it permissible for me to take some of my husband's money to give in charity with or without his knowledge?**

**A 2:** It is not permissible for you to take of your husband's money to give in charity except with his consent, or if he usually approves of such kind of charity.

**Q 10: Is it permissible for me to buy things for my family out of my husband's money without his knowledge?**

**A:** You are not permitted to take from your husband's money without his knowledge except what is reasonably sufficient for you and your children. You should not buy anything for your family out of your husband's money without his permission.

May Allah grant us success and peace and blessings be upon our Prophet and his family and companions.

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**The second question of Fatwa no. 5851**

**Q 2: Is it the husband's obligation to pay for his wife's medical treatment? Or should her father do so?**

A 2: There are many proofs from the Qur'an and the Sunnah enjoining doing what is good

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and righteous to people in general, and to relatives in particular. Allah (Exalted be He) states: (Verily, Allâh enjoins Al-'Adl (i.e. justice and worshipping none but Allâh Alone - Islâmic Monotheism) and Al-Ihsân [i.e. to be patient in performing your duties to Allâh, totally for Allâh's sake and in accordance with the Sunnah (legal ways) of the Prophet صلى الله عليه وسلم in a perfect manner], and giving (help) to kith and kin (i.e. all that Allâh has ordered you to give them e.g., wealth, visiting, looking after them, or any other kind of help)) And (Worship Allâh and join none with Him (in worship); and do good to parents, kinsfolk, orphans, Al-Masâkîn (the poor), the neighbour who is near of kin, the neighbour who is a stranger, the companion by your side, the wayfarer (you meet), and those (slaves) whom your right hands possess. Verily, Allâh does not like such as are proud and boastful.) It was authentically reported that the Prophet (peace be upon him) stated: (The best among you is the best toward his family and I am the best amongst you toward my family.) A Muslim should maintain good marital relationships and do good to relatives.

As for medical treatment expenses, the husband should assume this responsibility according to his means. This is based upon (and live with them honourably.) and upon the generality of the above-mentioned Hadith.

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**The first question of Fatwa no. 12488**

**Q 1: A husband and wife have a five-month old boy. Physicians informed the husband that his wife has a heart disease and that her illness began since childhood and requires that she travels to France for long term treatment. Moreover, she will become sterile. The husband is a low-waged worker and the physicians said that she will not be healed from this disease except if Allah so wills. What should he do? Should he divorce her, though divorce is the most despised permissible act? If he keeps her, he may not be able to afford her treatment.**

**A 1:** If your wife is ill, yet good with respect to her religion and morals, it is preferable to keep her, be patient with her, and provide for her treatment as much as you are able to. May Allah heal her.

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**The second question of Fatwa no. 9309**

**Q 2: a woman's husband died before she was able to perform Hajj.**

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**She later remarried, but she died after a period of time. Is her second husband obliged to perform Hajj on her behalf? It is said that it is obligatory upon the first and not the second husband.**

**A 2:** Neither the first, nor the second husband is obliged to perform Hajj or `Umrah (lesser pilgrimage) on her behalf.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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**The second question of Fatwa no. 18375**

**Q 2: Is it permissible for a wife to cover the costs of Hajj performed by her husband acting as a Mahram (spouse) and by her children?**

**A:** The wife may pay for the extra costs needed for her husband who travels with her for her interest, be it Hajj or otherwise. These extra costs are the amount exceeding the expenses incumbent upon the husband in the case of residence.

May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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**(Part No. 21; Page No. 173)**

**The second and third questions of Fatwa no. 2512**

**Q 2: What is the ruling on my father's providing housing and food for me, as I am still a student and I have no job?**

**Q 3: I have eighty pounds to spend on housing, clothes and buying study books. Can I spend them on food as well and leave my father's house until Allah makes a way for me to get out from difficulty?**

**A:** If you are poor and do not have money to provide for yourself food, clothing and housing, your father who is well-off has to sustain you according to his financial ability and your needs. However, if you have enough money to sustain yourself, your father does not have to sustain you; you should provide for yourself housing, clothing and food.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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**Fatwa no. 16476**

**Q: I have two daughters.**



**whom I raised and supported, until they graduated and found jobs. They have been teachers for three years and receive a monthly salary of nine thousand Riyals. Yet, I still bear their personal and accommodation expenses. It is noteworthy that I have other young children to provide for. Am I obliged to spend on the teachers or can they provide for themselves? After my death, they will receive their full portions of my estate according to Shari`ah.**

**A:** You are obliged to spend on your children who are needy and have no earnings. yet, you are not obliged to spend on those who have earnings and are in no need of your money.

May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 8196**

**Q: my father has divorced my mother a long time ago and he has been living with a second wife since then. I have, thus, become responsible for my mother and the house. my two brothers are busy with their work. Although I am still studying, I have been responsible to provide for all the needs of the house. my father has a shop and he has permitted me**



**to take money from it to meet the needs of the house. With the passing of time, I have managed to save some money with which I have bought a piece of land for myself without my father's knowledge. He would be sad if I tell him about this. I regret having done this. I am not sure if this is Haram (prohibited) or not, because he has given me a free hand to take whatever I want to provide for the expenses of the house. He even refuses to know how much money I take for that purpose. I feel sorry for having bought the land without his knowledge. Have I deceived my father and misused his confidence? Please answer my question! May Allah grant you success!**

**A:** You have to return the money you have saved and the land you have bought to your father, since you have taken that money for the sole purpose of meeting the needs of the house. Your father has given you permission to take enough money just to meet the requirements of the house. The excess money you have saved, and from which you have paid for the value of the land, are not included in the permission your father has given, so it is unlawful for you to take it.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 17112

**Q: I have an elderly mother who suffers from partial paralysis. She is undergoing medical treatment at Hammadi hospital in Riyadh. The hospital charged 15,065 riyals. Some of our relatives donated sums of money. Donations were also received from a member of the royal family, may Allah reward him. The donations reached 32,700 riyals. The hospital charges were paid. She permitted me to take the rest of the money. Is it permissible for me to take it? Is it also permissible to accept the money donated by Muslims? I am acting as her Wakil (legal guardian). Please enlighten me in this regard.**

**A:** The remainder of the donations collected for the treatment of your paralyzed mother should be used to fulfill her needs. You are not allowed to make use of these donations. You should accept donations for the treatment of your mother only when necessary. It is better for you, if affordable, to undertake the expenses of her medical treatment yourself. This is part of the kind treatment children are commanded to show to their parents. Allah (Exalted be He) states: (And your Lord has decreed that you worship none but Him. And that you be dutiful to your parents.) Financial support of one's mother is part of the kindness one is commanded to treat mothers with. It is reported in the Sahih (authentic book of Hadith) of Al-Bukhari that (Once a man asked the Prophet (peace be upon him): "Which among people is the most deserving of my kind treatment? He replied:

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"Your mother." The man inquired: "Who is next?" The Prophet replied: "Your mother." Again the man inquired: "Who is next?" The Prophet again replied: "Your mother.")

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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**Fatwa no. 16335**

**Q: I am an old widow. The pension of my dead husband is divided equally among me, a 22-year old daughter, and a 16-year-old son. Each receives 500 Riyals. Though their elder brother receives a salary of 3,000 Riyals, they are insufficient to provide for his wife and children. Now, may I spend from the children's share of pension on meeting the house needs? I sometimes have to borrow money to meet these needs instead of taking their money as they are orphans.**

**A:** It is permissible for you to spend from the share of the children to meet your needs and theirs and the needs of the house as required.

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May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 8493

Q: I am a sixty-one-year-old man. I was injured in a car accident nine years ago, where my right leg and my left shoulder were broken. I underwent many surgeries in my leg, and I had nails fixed in my thigh. My eyesight has been deteriorating badly. Only Allah (Glorified and Exalted be He) knows my situation. As for my social and financial status, I am a security guard in Abna' Al-Kharif company in return for two thousand Riyals a month, and I live in an old rented house. I support my family that consists of three boys, two of whom are the subject of my question. My eldest son is called Muhammad; he is twenty two years old. He asks me to help him get married although I am impoverished. I had sent him to school but he refused to go. I asked him to depend on himself in his marriage, but he refused. He has been hanging out with his friends all the time for the past six years. My second son, Salih, is fifteen years old. His left arm and leg are paralyzed, and he is still studying. He has reached the age of puberty, and he wants to

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get married as well. My third son is called `Abdul-Hamid. He is eleven years old, and he is a student. Please advise concerning helping my sons get married, especially my eldest son Muhammad, given that I am poor and do not have the means to support them. Am I considered sinful? I know that a father should help his son get married, however, I have only my daily sustenance. Please advise, Your Eminence, whether I am sinful or not. May Allah reward you.

A: If the situation is as you have mentioned, there is no harm in you not helping them get married, according to Allah's saying, ﴾Allâh burdens not a person beyond his scope.﴿ Allah also says, ﴾and has not laid upon you in religion any hardship﴿ May Allah help you and guide you to the goodness of this world and the Hereafter.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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**Fatwa no. 14485**

**Q: Some young men who seek marriage resort to charities to assist them with their marriage expenses, although their parents are able to help them, but they refuse. Is it permissible for such charities to provide financial aid to these young men from Zakah (obligatory charity) funds? Please answer us in this regard, may Allah reward you! May He preserve you safe to serve Islam and Muslims! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you)**

**A:** parents should provide their children who have attained the age of marriage with sufficient money for them to marry without asking for help from anyone else, in the same way they would spend to save their lives.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 6346**

**Q: According to a Hadith regarding the rights of a father over his son, the Prophet (peace be upon him) said, ﴾You and your wealth belong to your father.﴿ Does this apply to daughters who work and earn a good salary? Can a father take from her wealth, even though he is not in need and she is under his care?**

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**A:** This Hadith includes both sons and daughters. This is also indicated by another Hadith narrated on the authority of `Aishah (may Allah be pleased with her) that the Prophet (peace be upon him) said, ﴾The best of that which you consume is that which you earn, and your children are part of that which you earn.﴿ Related by the Five Compilers of Hadith (Imams Ahmad, Abu Dawud, Al-Tirmidhi, Al-Nasa'i and Ibn Majah). However, this is subject to the condition that this does not cause any harm to the child, whether male or female, because the Prophet (peace be upon him) said, ﴾There should be neither harming nor reciprocating harm.﴿ Other Hadiths were reported to this effect. A father should not take money from his children for the purpose of accumulating wealth, rather he should only take what he needs.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 455**

**All praise be to Allah Alone.**

**The Permanent Committee for Scholarly Research and Ifta' reviewed letter no. 1489/93, dated 19/3/1393 A.H. sent by His Excellency, the head of the office of His Majesty the King (may Allah safeguard him), and referred to the Committee from the Secretariat General of the Council of Senior Scholars. The Chairman of the Departments of Scholarly Research, Ifta', Da`wah, and Guidance explained that a woman submitted a petition to His Majesty saying that her husband died leaving behind six**

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**minor children and two other sons from another wife. She requested that the two sons, who were employees, should provide for the minor children. His Excellency wanted to know whether or not a person is obliged by Shari`ah (Islamic law) to provide for his siblings. The reply was submitted to His Majesty to consider the woman's concern.**

After studying the question, the Committee answered:

The basic rule is that a man is obliged to sustain his relatives under three conditions:

**First,** the relative is poor and has no source of living that enables them to dispense with the sustenance provided by the other person.

**Second,** the person who is obliged to provide sustenance should first suffices his own needs and the needs of those who are more deserving of his sustenance, such as his wife, parents, and children. On the authority of Jabir ibn `Abdullah who narrated that the Prophet (peace be upon him) said: (If one of you is poor, let him start with himself. If he has any surplus means, let him spend on his children. If there is anything left after that, let him spend on his relatives.)

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**Third,** the person who provides for his relatives shall be an expected heir of the one whom he provides for, as Allah (Exalted be He) says: (And on the (father's) heir is incumbent the like of that (which was incumbent on the father).) As the heirs are closely related, the heir is more entitled than anyone else to the property of the one from whom he would inherit; thus he is the most entitled to provide for him. If the poor person deserving sustenance is not an heir of the one who provides for him, the obligation is still effective. This is the view of Al-Hasan, Mujahid, Al-Nakh`y, Qatadah, Al-Hasan ibn Salih, Ibn Abu Layla, and Abu Thawr. In case the person deserving sustenance has more than one heir who can afford to provide for him, the heirs are obliged to provide for him, according to their shares of inheritance, unless they include a father, who in this case shall carry out this obligation alone, as Allah (Exalted be He) says: (but the father of the child shall bear the cost of the mother's food) The Prophet (peace be upon him) said to Hind, the wife of Abu Sufyan: (Take what is sufficient for you and your child on a reasonable basis.)

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family,

and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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| `Abdullah ibn Sulayman Ibn Mani` | `Abdullah ibn `Abdul-Rahman ibn Ghudayyan | `Abdul-Razzaq `Afify |

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**Fatwa no. 3466**

**Q: My younger brother suffers from a chronic disease that prevents him from earning his living and he has no source of income. He lives with my seventy-year-old father in Cairo in his house. My father's income is only enough for his expenses and those of my mother and I assist them all financially by the help of Allah (Exalted be He). am I permitted to count the expenses paid for my brother's medication and daily living as part of my Zakah (obligatory charity)? Is not it permissible to consider my brother one of the categories of Zakah recipients?**

**Q:** If the reality is as you mentioned, that your brother is sick and cannot earn his living and needs money to treat himself, and that your parents do not have enough money except what suffices their needs, it is obligatory for you to support your brother financially and cover the costs of his medication. Accordingly, it is not permissible for you to count this money as part of your Zakah.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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| `Abdullah ibn Qa`ud | `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**The third question of Fatwa no. 8442**

**Q 3: My father, may Allah have mercy on him, used to buy the household needs and pay the telephone and the electricity bills. His inheritors live in different houses and some live in the house which my father built a long time ago which he bequeathed to his wives before his death. He also used to live in the houses which he left to his wives, but people consider these houses as his. Should the expenses be distributed among the inheritors or among those who live in these houses? Should each person be responsible for his or her own expenses, taking into consideration that we are all well-off? Please, advise.**

**A:** the obligatory spending is ended by your father's death. Each should be responsible for his or her own expenditures unless they are underage, in which case their guardians are responsible. Any discrepancy that might arise should be referred to the court.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| \`Abdullah ibn Qa\`ud | \`Abdullah ibn Ghudayyan | \`Abdul-Razzaq \`Afify | \`Abdul-\`Aziz ibn \`Abdullah ibn Baz |

Fatwa no. 11246

**Q: I live with one of my brothers. My salary is small and I do not share in the house expenses, and if I buy something for the house, my brother insists on paying me for it. I fear that there may be a sin on me regarding this matter. Please, asdvise! May Allah reward you the best.**

**A:** If the reality is as you mentioned, there is no sin on you since your brother does so willingly as long as you live with him.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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| `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 21489

**Q: I am a divorced woman and have a daughter who is four years old. Her father sends me some money every month to support our daughter. I would like to know if it is permissible for me to spend the money which the father sends to support his daughter every month on my personal matters or my family. Is it permissible for me to give some of the money in charity? If the answer is in the affirmative, who will get the reward of such charity? Please note that I live in my father's house with my brothers and sisters and some of whom are still young, so when I buy some items for my child, I buy some items for them as well. Is there any sin on me regarding such practice?**

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**A:** Originally, the money sent by the father as a Nafaqah (obligatory financial support) for his daughter only and then should be spent to supply her with provisions and clothing. If you are obliged to take some of this money, it will be permissible for you to take some of it according to your need. However, you should not give any of this money as charity.

May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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| Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh |

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## Spending on Animals

**The first question of Fatwa no. 13703**

**Q 1: I own some pigeons; should I leave them to fly and eat from fields and roofs of houses as people do or keep them in cages? What would be the case if there were also pigeons which do not belong to me?**

**A:** A person who owns birds or other animals should first supply them with food, drink, and shelter. Then, they can leave the birds to fly wherever they want. As for the pigeons that do not belong to you, it is not permissible for you to catch or keep them in cages.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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**The second question of Fatwa no. 20429**

**Q 2: I spend about one-third or a half of my salary on the camels I own. Is this act rewarded? I protect them from the danger of roads and provide them with food and shelter. Please, advise - May Allah be Merciful to you - as people argue a lot about such matter. May Allah reward you the best!**

**A:** The Islamic Shari`ah (Laws) urges Muslims to protect their property and care

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for it. The Prophet (may peace be upon him) forbade wasting one's property. To protect one's property, one has to take care of their property by providing maintenance, security, and shelter. However, if caring for and spending on camels lead to negligence in spending on those whom you should support, lead you to be overloaded with debts which you will not be able to pay back, or distract you from performing acts of worship, you will have to get rid of these camels and sell them. Then, you should seek a lawful way that will not distract you from caring for the things mentioned above or from doing them perfectly according to the legal required manner.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 12097

**Q: A citizen from the area of Raniyya came and asked us to report to Your Eminence an accident caused by him: Coming to the farm of his brother, he found a donkey that had intruded therein and caused harm to the vegetables. Being informed that though it was driven away many times, the donkey keeps returning, he tied up the forelegs of the donkey next to the farm and left. As the man forgot and the workers gave it no attention, the donkey eventually died of hunger and thirst. When he was informed about this, it was hard for him to bear and he felt worried since it was not his intention to leave it this**

(Part No. 21; Page No. 191)

**way. He asked us to report this to Your Eminence in particular to inform him about the consequences of what he did. May Allah reward you with the best!**

**A:** The mentioned person has to turn to Allah in repentance from what he has committed. He also has to give the value of the donkey to its owner if he knows him. Otherwise, he has to give it in charity to the poor.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**The second question of Fatwa no. 16655**

**Q 2: People breeding camels levae them to starve so that they can eat of their feces under the pretext that if such camels left to starve, they will run fast in races. What is the ruling on such practice?**

**A:** It is not permissible to leave camels and other animals to starve, as this causes them harm. It is authentically reported that the Prophet (may peace be upon him) said: (Verily Allah has enjoined kindness to everything.) It is a form of kindness to feed animals and not to cause them to starve.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 18153

**Q: I and my wife performed Hajj last year.**

(Part No. 21; Page No. 192)

**We used to keep pigeons but there were some cats eating live pigeons. I feared that those cats might eat my pigeons, so I kept them in the cage and put enough food and water for them. I left the water tap dripping into the water containers. About three days before our return from Hajj, the Predestination willed that the water was cut off for three successive days. As a result, all the pigeons died of thirst. We would be grateful if Your Eminence would give us the ruling on this case. Is there any sin on us? If we committed a sin, what would be its Kaffarah (expiation)? Give us the ruling on this question. May Allah increase you in knowledge.**

**A: First:** your saying, "the Predestination willed..." is a wrong statement from a religious point of view. The correct thing is to say, "Allah willed...," so you should be aware when you use such statements. May Allah guide you to the right path.

**second:** : you made a mistake that caused the pigeons to die of thirst, as you did not take into account that the water may be cut off suddenly. However, you do not have to offer a Kaffarah for this. You just have to turn to Allah in repentance for doing so and be determined not to do it again. It would have been better for you to appoint a person to feed the pigeons and provide them with water during the period you spent away from your home.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

**Permanent Committee for Scholarly Research and Ifta'**

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(Part No. 21; Page No. 193)

## Custody

Fatwa no. 14806

**All Praise be to Allah Alone. May peace and blessings be upon the Last Prophet. The Permanent Committee for Scholarly Research and Ifta' reviewed what was sent to His Eminence the President of the Permanent Committee for Scholarly Research and Ifta' from His Excellency the undersecretary of the Foreign Ministry for political affairs raised to the Committee by the General Secretary of the Council of Senior Scholars, number (3748) dated 10/9/1411 A.H. He posed a question stating:**

**The embassy of the Kingdom of Saudi Arabia in Athens reported that Dar Al-Ifta' (the House of Fatwa) in the north of Greece informed it that an argument arose between a husband and his wife, which led to divorce. The couple has three children including a girl (who is five years old) and a boy (who is nine months old). The father wants to be given the custody of the children, but the mother and her parents see that the children are still underage and that it is better for them to stay with their mother. This is because their father is always busy with his job and his business in selling and buying real estate. Also, he spends the evenings with his colleagues and returns home late at night. Moreover, he treats his children badly. Therefore, giving custody of the children to their father is not beneficial at all to the children. The mother works in a nursery and receives**



**a salary. Also, her children go to the same nursery where she works. She has cared for them and provided them with their needs since she left the marital house. Dar Al-Ifta' asks for a clear Fatwa showing the period of custody as for both male and female children. Is it legal for the mother to raise the children instead of their father as she is more beneficial to them than their father who has not asked about them, seen them or participated in meeting their needs such as costs of living, clothes, medical treatment and education for more than a year and a half? Dar Al-Ifta' would like the Fatwa to be in acccordance with the Madh-hab (School of Jurisprudence) set by Imam Ahmad Ibn Hanbal (may Allah be Merciful to him) to be a fixed Fatwa by which Dar Al-Ifta' can be guided in the present time and in the future. Let us benefit by your knowledge. With my best regards.**

After reviewing the Fatwa request, the Permanent Committee for Scholarly Research and Ifta` gives the following Fatwa: The person who has more right to be given the custody of the child is its mother in case the couple separated. If the mother gets married to another man, the custody of the child is given to the mother's mother. In case the mother's mother is not alive, the custody is given to the father's mother as custody is better given to women. The child's mother is more merciful to the child than others. It is related by Abu Dawud that the Prophet (may peace be upon him) said to one mother: (You have more right to him as long as you do not marry.) When a male child reaches the age of seven, he will be given the option either to live with his mother or to live with his father. He lives with the part he chooses.

If the child is a female and reaches the age of seven, her father has more right to her, as she needs protection and care. The mother herself needs a person who can protect her. However, the custody of a child should not be given to any party that can not protect or reform it. This is the Fatwa we can offer according to the Mad-hab set by Imam Ahmad (may Allah be Merciful to him). May Allah grant us success. May peace and blessings be upon our Prophet Muhammad, his family, and Companions.

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Fatwa no. 12440

Q: I am a Muslim woman from Sweden. I write to you about a complex problem that befell me. Before I embraced Islam, I had been married to a non-Muslim man and gave birth to a child. I named him Mustafa. I and Mustafa's father separated. Mustafa's father wanted to raise the child. I feared that Mustafa's father might use the religion for his own sake. So, I suggested that I sign an agreement with Mustafa's father without the interference of the court. This agreement stipulates that:

1- Mustafa's father has the right to see his son for a certain period of time every year.

2- Mustafa's father abides by respecting the traditions of Islam and never opposes the teachings set by Mustafa's mother with regard to the rules of food and drink.

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Now, let me narrate the story of my problem. I want to relate my problem in details to let you understand the case: when I accepted Islam, my mother was not happy and she hoped that I might forget the whole matter after a while. Some months later, I got married to a Muslim man, a matter that led my mother into a state of hysteria. As a result, she kidnapped Mustafa and called Mustafa's father as well as the police and the social security. She told them falsehoods about me and my husband. She contacted the lawyer of Mustafa's father and tried to get us out of our flat. She wrote a letter to the lawyer of Mustafa's father and told him some lies about me and that I am not competent to raise Mustafa. She added that I am completely insane. In Sweden, the individuals have the right to embrace the religion they want, but it is natural that such case does not apply to the religion of Islam. I was very worried that I might lose Mustafa. When I signed the agreement with Mustafa's father, I had the intention not to let him see Mustafa at all. I hoped to leave this country in the near future and get rid of this problem completely. Unfortunately, my husband does not yet have a residence document. This means that he can not get a Swedish passport, so we can not travel to any place. Cooperating with Mustafa's father, my parents helped him with money and securing several things. They

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all do whatever they can against me and against Islam. I know that they intend to influence Mustafa to leave Islam in the same way they did with me. They did several things against me and my family, which I find no room or time to relate in this letter. Now, let me ask the following questions:

1- Is it permissible for me to breach the agreement I signed with Mustafa's father out of my fear so that Mustafa could live in peace?

2- Is it permissible for me to prevent Mustafa's father from seeing his child?

3- Is it permissible for me to send Mustafa to another country?

4- Is it permissible for me in such case to travel alone? Or will I be in need of a Mahram

(spouse or unmarriageable relative) to travel with me?

5- Do my parents have the legal right to see their grandson even though they are non-Muslims and plot against Islam?

6- Should I pay a visit to my mother despite the hostility she holds against me?

I am very worried about Mustafa as this may cause him internal conflicts. Two months ago, Mustafa began to study at an Islamic school in Malm?o. He goes there everyday to learn the Holy Qur'an. He loves his school and classmates. Though he is Swedish, he speaks Arabic better than the Arab children themselves. He has memorized several Surahs (Qur'anic chapters).

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All Praise be to Allah that my son is very intelligent. However, I am always worried about him as I fear that his father may affect him and distract him from the Right Path of Islam, as his father is bad-tempered. I know that he is a liar when he says he respects my religion. This situation is not suitable for a child of this age. I am an adult and reasonable woman who feels strong through this religion. In addition, I can protect myself, but the child can not protect himself. It is not logical or permissible in the field of Islamic education for Mustafa to see his mother performing Salah (Prayer) and reciting the Holy Qur'an one day and see his father performing acts of Kufr (Disbelief) the next day. Mustafa may be inflicted with disorders, which may lead him to be unable to distinguish between what is right and what is wrong. I would be grateful if you would give a reply to my letter as quickly as possible. This is because I want to do what I can for Mustafa and his future so that he can be a pious Muslim, In-Shaa` Allah. I would like you to give me the ruling on the following question: Is it permissible for me in Islam to keep Mustafa away from his father who is a non-Muslim (a disbeliever)?

**A:** You are more entitled to raise your son, Mustafa, as long as his father is a disbeliever and you are a Muslim. Since you are a Muslim, Mustafa is regarded as a Muslim as well. This is because a disbeliever can not be a guardian of a Muslim, as Allah (Exalted be He) says in His Book, in Surah Al-Nisa':

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﴾And never will Allâh grant to the disbelievers a way (to triumph) over the believers.﴿ Allah (Exalted be He) says: ﴾The believers, men and women, are Auliyâ' (helpers, supporters, friends, protectors) of one another﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions.

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Fatwa no. 21102

**Q: I was married to a Canadian woman who was previously Christian but she accepted Islam and bore me a son who is now living with her in Canada. I asked to see my son but his mother refused that claiming that I have no legal right to see him. I raised a complaint to the Canadian government with regard to this issue but they asked for an Islamic legal evidence permitting a father to see his son. Moreover, my son's mother**



**told me the same thing. I would be grateful if you would give me the Fatwa and the Islamic legal evidence that permit me to see my son so that I can submit them to my son's mother and the Canadian government.**

**A:** If the woman left the marital house or the couple separated through divorce or the like and there was one or more children, it is not permissible in the Islamic Shari`ah (Laws) for any spouse to prevent the other spouse from seeing and visiting the children. If the child is under the guardianship of its mother, she is not allowed to prevent its father from seeing and visiting him. This is because Allah (Glorified be He) has ordered us to keep good relationships with our kin by saying: ﴿Worship Allâh and join none with Him (in worship); and do good to parents, kinsfolk﴾ It is authentically reported that the Prophet (may peace be upon him) said: ﴾Whoever causes a mother to desert her children, Allah will separate him from his beloved people on the Day of the Resurrection﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his Family, and Companions.

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Fatwa no. 19335

**Q: I live near the mosque, about a minute or less walk away. My problem lies in the fact that I have a boy who is one year old. When I got to the mosque to perform the `Asr (Afternoon) Prayer, I leave him alone at the house with the doors closed. This is because his mother works in a school in the afternoon. The school prevents teachers from taking their children with them. I fear that I may be sinful regarding the question of leaving the boy alone but I also fear that I may miss the congregation for `Asr Prayer in the mosque. What should I do? Guide me to the right way. May Allah bless you!**

**A:** There can be no doubt that leaving a one-year-old boy alone at the house is a violation of the trust (i.e. the boy) that Allah ordains you to keep. The wife should stay at home to care for the boy or send him to a person she trusts after taking the permission of her husband.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his Family, and Companions.

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## Qisas-relevant Issues

**The second question of Fatwa no. 4493**

**Q 2: Is it permissible for the husband to demand Qisas (just retaliation) for the murderer of his wife?**

**A:** Demanding Qisas (just retaliation) at the ruler from the criminal is the right of the heirs of a murdered person and the husband is one of those who have the right to demand Qisas for the wife unless he is denied inheritance for some legal causes.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his Family, and Companions.

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**Fatwa no. 394**

**Q: Seven years ago, a man named Gh. M. Kh became insane and then he killed his wife S. S. Kh. and her brother M. S. Kh. The brother died before his sister. The killed woman has a son, who is the son of the killer as well. The killed man has no heirs except us, his paternal cousins. The male cousins ceded the demand of Qisas (just retaliation) when it was proved that the killer was insane but a female cousin named H. S. Kh. demands her right. Does she have right to demand Qisas on the killer?**

**A:** If the reality is as the questioner mentioned, the cousins

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do not inherit the killed woman named S. S. Kh. as there exists her son who alone has the right to forgive the killer. As for the killed man named M. S. Kh., his heirs are his male cousins only unless there are other relatives who have more right to him. Moreover, they alone have the right to pardon the killer. As for the female cousin named H. S. Kh., she has no right in the inheritance of the killed man and she therefore has no right to pardon the killer.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his Family, and Companions.

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| `Abdullah ibn Sulayman Ibn Mani` | `Abdullah ibn `Abdul-Rahman ibn Ghudayyan | `Abdul-Razzaq `Afify |

Fatwa no. 1352

**Q: My father (may Allah be merciful with him) hit a man before the establishment of the Saudi rule (may Allah preserve it). As a result, the man's hand was paralyzed. He did not demand Qisas (just retaliation) due to the prevalent ignorance at that time. Both the man and my father died before the Saudi regime. I would like to know how I can pay the debt of my father (may Allah be Merciful with him). Please note that the striken person has no heirs whom I can ask for pardon with the exception of some remote relatives. Give me the Fatwa on this question. May Allah grant you the best reward.**

**A:** If the reality is as mentioned; if the strike that caused

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the man's hand to be paralyzed was done on purpose and out of aggression, the demand of Qisas is dropped since the striker died before Qisas was taken from him, as unanimously agreed upon by Scholars, as it becomes impossible after the death of the striker. Only Half of the Diyah (blood money) should be given to the victim if the criminal owns property according to the preponderant opinion of Scholars. If the strike was out of mistake or quasi-deliberate intent, half of the Diyah dedicated to the victim is taken from the members of the criminal's family and given to the heirs of the victim and their heirs after that as inheritance if the victim is dead.

This is to be applied if it is not proven that the victim pardoned the criminal according to the Islamic fundamental rule concerning such a question. If it is proven that the injured person pardoned the criminal, nothing will be taken from the property of the criminal or his family or be given to the heirs of the victim.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his Family, and Companions.

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Fatwa no. 8193

**Q: Please give us a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding a man who testifies that there is no deity but Allah and that Muhammad is the Messenger of Allah, but he has intentionally killed another person in a casual dispute. Since we live in a country that does not apply Hudud (ordained punishments for violating Allah's Law), we would like to pose the following questions:**

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**1. Is it permissible for the family of the victim to murder the killer? Why?**

**2. Is it permissible for the family of the victim to take a Diyah (blood money) from the killer since he is a Muslim? Or has the killer turned into a Kafir (disbeliever) by intentionally killing another Muslim? Does the Ayah (Qur'anic verse) mentioned in Surah (Qur'anic chapter) Al-Furqan on manslaughter apply to this case?**

**3. Is there a certain value for the Diyah? There is a lot of argument about this issue.**

**We would be grateful if you would reply as quickly as possible so that we can guide each party to the right way as set by Shari`ah (Islamic law).**

**A: First,** it is permissible for the heirs of the victim to ask the ruler to have Qisas (just retaliation) against the person who has intentionally killed their relative. Allah (Exalted be He) says:

﴾And do not kill anyone whose killing Allâh has forbidden, except for a just cause. And whoever is killed wrongfully (Mazlûman intentionally with hostility and oppression and not by mistake), We have given his heir the authority [to demand Qisâs, - Law of Equality in punishment - or to forgive, or to take Diyah (blood money)]. But let him not exceed limits in the matter of taking life (i.e he should not kill except the killer). Verily, he is helped (by the Islâmic law).﴿ **Second,** the Diyah must be paid if murder is committed either intentionally or unintentionally and the heirs or one of them pardons the killer and asks for the Diyah. A Muslim cannot be described as a Kafir because of committing premeditated murder. Allah (Exalted be He) says: ﴾And those who invoke not any other ilâh (god) along with Allâh, nor kill such person as Allâh has forbidden, except for just cause, nor commit illegal sexual intercourse - and whoever does this shall receive the punishment.﴿ ﴾The torment will be doubled to him on the Day of Resurrection, and he will abide therein in disgrace;﴿ ﴾Except those who repent and believe (in Islâmic Monotheism), and do righteous deeds; for those, Allâh will change their sins into good deeds, and Allâh is Oft-Forgiving, Most Merciful.﴿

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**Third,** the value of the Diyah is determined by the judge according to the type of murder, whether it is a premeditated murder, a quasi-deliberate homicide, or an involuntary manslaughter.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 6702**

**Q: We would like to inform Your Eminence that we often go to the family of a person being killed to ask them to pardon the killer and demand no Qisas (just retaliation). We sometimes spend a great deal of time with the family of the victim to convince them to pardon the killer, either in return for a sum of money or for any other reason. Sometimes we pretend that we are sick and refuse to eat until they would give a reply to our request; either by pardoning the killer or refusing to do so. We have heard from some scholars that it is not permissible to participate in such situations. Please guide us to what we should do.**

**A:** There is no blame on doing so In sha'a-Allah (if Allah wills). This is because pardoning the killer instead of demanding Qisas by those who seek revenge is a desirable practice in Shari`ah (Islamic law). Allah (Exalted be He) says in the Ayah (Qur'anic verse) revealed on Qisas:

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﴾But if anyone remits the retaliation by way of charity, it shall be for him an expiation.﴿ Also, Ahmad, Abu Dawud, Al-Nasa'y, and Ibn Majah (may Allah be merciful with them) related on the authority of Anas (may Allah be pleased with him) that he said: ﴾"The Messenger of Allah (peace be upon him) did not judge in any dispute that involved Qisas but he commanded pardoning (the killer)."﴿ It is worth mentioning that there is no Nas (Islamic text from the Qur'an or the Sunnah) that prohibits Muslims to intercede in Qisas. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 9596

**Q: I am asking about the permissibility of interceding for a person who is sentenced to death through Qisas (just retaliation) because of killing another person. Both the victim and the killer are members of my family. The victim has three children, the youngest of whom is three years old. He also has a father who acts as Wakil (legally accountable person who acts on behalf of another for a specific permissible matter) for the children with regard to demanding Qisas for their father. The relatives of the killer have asked me to intercede for him**



**and ask the father of the victim to pardon him. Is it permissible for me to intercede with regard to this matter and ask the father of the victim to pardon the killer and accept the Diyah (blood money)? Is it permissible for the father of the victim to pardon the killer and accept the Diyah? Please note that the victim has young children. Please give us a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah bless and support you!**

**A:** There can be no doubt that Qisas is a common right between the Lord (Glorified and Exalted be He) and the heirs of the victim. As a result, the heirs of the victim or any of them can pardon the killer and demand no Qisas. In case one of them pardons the killer, the claim to Qisas will be relinquished. In that case, the heirs have the right to demand nothing but the Diyah. Allah (Exalted be He) says: ﴿Al-Qisâs (the Law of Equality in punishment) is prescribed for you in case of murder﴾ until His Saying: ﴿But if the killer is forgiven by the brother (or the relatives, etc.) of the killed against blood-money, then adhering to it with fairness and payment of the blood-money to the heir should be made in fairness. This is an alleviation and a mercy from your Lord.﴾ It is permissible for you to intercede and ask for pardoning the killer, since the right to demand Qisas vests in the heirs of the victim.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 20415

Q: An agreement has been reached by all members

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of the tribe of Al-`Amamirah who live in Al-Qathmah and are represented in:

1. The family of Rajih, including `Awad ibn Madh`ur

2. The family of Malfy, including Hammud ibn Mu`alla, Mutlaq ibn Salih, Khalaf ibn Ghubaysh, Salim Shabab, Muhsin Mu`ayfin, Samih Hadyan, Su`ud ibn Muhammad, and Sa`d ibn Muhammad

3. The family of Nasir, including Safar ibn Matir and `Ayyad ibn Burayk

4. The family of Rajah, including `Aly ibn Shunayr, Qablan ibn Dawarij, and Khalaf `Ammar

5. The family of `Ammar, including Ibrahim ibn Falhan and `Aty Fulayh

6. The family of Al-`Arud, including `Abdullah Munir, Nawwar ibn `Ayid, and Musfar ibn Khalaf,

7. The family of Khunayfis, including Dasman ibn Shaddad

8. The family of `Ubyan, including `Ubayd ibn Sulayman

9. The family of Fayid, including `Abdullah ibn Muslim

10. The family of Ma`in, including Muhil Bati`

They have willingly agreed to abide by the following terms:

First, the fine which must be paid is the Diyah (blood money), exclusive of the damages caused to cars or other property.

Second, this Diyah must be paid by each member of the tribe who is fourteen years or older or by his guardian in case he is under fourteen, except in the case of car accidents

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regarding which the Diyah is paid by those who have reached the age of fourteen or older.

Third, the person who causes the accident must not have been intoxicated as a result of drinking Khamr (intoxicant) or taking drugs.

Fourth, the chief of the tribe must be informed of the accident by the one who has had the accident within a period not more than seven days, so that the chief can act and report the situation to the whole tribe.

Fifth, the tribe is committed to pay the Diyah resulting from the accidents as mentioned in the agreement, whether the Diyah is large or small.

Sixth, with regard to the accident that takes place within a distance of one thousand kilometers, the chief or his deputy and those whom he chooses go to the place of the accident to settle the problem.

**Seventh, with regard to the accident that takes place in an area further than one thousand kilometers, the one who has caused the accident has to report it to the chief of the tribe first and then settle the problem by himself if possible. Also, he has to bring the official documents that prove his right. In case he is not able to do so, he should ask the chief of the tribe to come or send a person who can settle the problem.**



**Eighth, no one has the right to act independently regardless of his circumstances without referring to the opinion of the chief of the tribe. The person who acts independently, either by paying a sum of money or standing bail without referring to the tribe, has no right to ask for the tribe's help later on. Even more, he is regarded as negligent and has to incur the consequences of what he has done.**

**Ninth, if a member of the tribe refuses to pay his share of the Diyah, the chief of the tribe and those abiding by the terms of the agreement have the right to raise a complaint against him before the governmental authorities and charge him with the payment of the Diyah, as already agreed upon by the members of the tribe. It should be taken into account that if Allah (Exalted be He) has decreed that the person who refuses to pay his share of the Diyah is involved in an accident, the tribe will not help him in paying the Diyah and he will have to pay it all by himself.**

**Tenth, the chief of the tribe fixes a date for meeting in the house of those who have caused the accident. He then informs all the members of the tribe of that date.**

**Eleventh, according to this agreement, all the members of the tribe must abide by its terms. No one should seek judgment from any other mean; and everyone will have to adhere to what is stated in it.**

**Twelfth, this agreement abrogates and replaces any preceding agreements regarding the points mentioned above.**

**Accordingly, all members signed this agreement. May Allah grant us success!**

**A:** After reviewing the agreement mentioned above, it has been found that it includes



financial obligations for the members of the tribe. If a member refuses to abide by any of these obligations, a complaint will be raised against him before the governmental authorities to force him to abide by the terms of this agreement. There can be no doubt that forcing people to abide by the terms of such agreements is not permissible, as it is a form of forcing them to abide by what Allah (Exalted be He) and His Messenger have not made obligatory. Also, it is a way to take money from a person without his consent. Abiding by such agreements causes hatred, grudge, and enmity among Muslims. This practice opposes what is called for by Allah's Purified Shar` (Law) that people should love one another and cooperate to do what is good for them all. Thus, Muslims should give up such agreements and never abide by their obligations and terms. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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|---|---|---|---|

Fatwa no. 21338

**Q: In the southern region of the Kingdom, some disputes may arise among tribes during which an exchange of gunfire takes place. The involved parties then go to the judge who gives his verdict according to what Allah has revealed in the Qur'an. However, an injured person may waive his right with the intention of taking revenge on his opposing party later, since he is not convinced with the judgment of Shari`ah (Islamic law). As a result, tribes convene so that the victim may set the sentence he sees suitable to the offense committed against him. Is such a practice permissible after hearing the judge's verdict? Please give us a clear Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah guide you and increase your virtues**

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**on a Day when neither wealth nor sons will avail, except to he who comes before Allah with a sound heart!**

**A:** If a judge gives a verdict according to allah's Purified Shar` (Law), all parties must abide by it. If a claimant waives his right, it is not permissible for him to ask for this right at a later time. It is worth mentioning that whoever waives his right with the intention of attacking his opposing party later is a sinful person who is committing a major sin and deserves punishment. Allah (Exalted be He) says: ﴾But if the killer is forgiven by the brother (or the relatives, etc.) of the killed against blood-money, then adhering to it with fairness and payment of the blood-money to the heir should be made in fairness. This is an alleviation and a mercy from your Lord. So after this whoever transgresses the limits (i.e. kills the killer after taking the blood-money), he shall have a painful torment.﴿ May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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| Bakr ibn `Abdullah Abu Zayd | Salih ibn Fawzan Al-Fawzan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh |

Fatwa no. 14591

Q: It gives me great pleasure to thank you and ask Allah (Exalted be He) to reward you the best for what you do for the sake of Islam and Muslims. Your Eminence, I would like to raise this question before you as you are a person of rank and reputation in the sight of all Muslims. Also, those who seek the truth receive your Fatwa (legal opinion issued by a qualified Muslim scholar) with approval. A crime of murder was committed in Qatar when some boys

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at school quarreled with each other. The youngest of those boys stabbed the oldest twice. As a result, the boy died immediately. Some good people have tried to settle the matter by interceding with the victim's family, who are seeking revenge, to convince them to pardon the killer since he is still sixteen years old. While attempting to gather some reputable persons to go to the victim's family, a man, whom we consider to be the most well versed in religious knowledge among us, has opposed our attempt and has ordered us not to do so as it is a sort of intercession with regard to one of the Hudud (ordained punishment for violating Allah's Law) prescribed by Allah. He claims that intercession with regard to manslaughter is not permissible. According to our scant knowledge, intercession with regard to manslaughter is a good act and pardoning the killer is better than demanding Qisas (just retaliation) as Allah (Exalted be He) says: ﴾O you who believe! Al-Qisâs (the Law of Equality in punishment) is prescribed for you in case of murder: the free for the free, the slave for the slave, and the female for the female. But if the killer is forgiven by the brother (or the relatives, etc.) of the killed against blood-money, then adhering to it with fairness and payment of the blood-money to the heir should be made in fairness. This is an alleviation and a mercy from your Lord. So after this whoever transgresses the limits (i.e. kills the killer after taking the blood-money), he shall have a painful torment.﴿ He (Exalted be He) also says: ﴾And We ordained therein for them: "Life for life, eye for eye, nose for nose, ear for ear, tooth for tooth, and wounds equal for equal." But if anyone remits the retaliation by way of charity, it shall be for him an expiation. And whosoever does not judge by that which Allâh has revealed, such are the Zâlimûn (polytheists and wrong-doers - of a lesser degree).﴿ He (Exalted be He) says: ﴾And to forego (and give her the full Mahr) is nearer to At-Taqwa (piety, righteousness).﴿ Allah (Exalted be He) says: ﴾The recompense for an evil is an evil like thereof; but whoever forgives and makes reconciliation, his reward is with Allâh. Verily, He likes not the Zâlimûn (oppressors, polytheists, and wrong-doers).﴿ He (Exalted be He) also says: ﴾and who pardon men; verily, Allâh loves Al-Muhsinûn (the good-doers).﴿ It was reported in the Sunnah (whatever is reported from the Prophet)

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on the authority of Anas ibn Malik (may Allah be pleased with him) that he said: ﴾"I never saw the Messenger of Allah (peace be upon him) judging in any dispute that involved Qisas but he

commanded remission regarding it.") On the authority of Abu Al-Darda' who narrated that he heard Allah's Messenger (peace be upon him) saying: ("Whoever suffers an injury and forgives (the person responsible), Allah will raise his status to a higher degree and remove one of his sins.") On the authority of Abu Hurayrah (may Allah be pleased with him) who narrated that the Prophet (peace be upon him) said: ("Never a man forgives a grievance unless Allah increases him in dignity.") On the authority of `Abdul-Rahman ibn `Awf who narrated that the Prophet (peace be upon him) said: ("Three - by the One in Whose Hand is the soul of Muhammad, if I am to swear regarding them - wealth never decreases because of Sadaqah (voluntary charity), so give Sadaqah; and no servant pardons a grievance, seeking with it the Pleasure of Allah (may He be Glorified and Exalted), but Allah will surely increase him in honor because of it on the Day of Resurrection...") This evidence shows that Islam urges Muslims to pardon one another and promises a great reward in this world and in the Hereafter for the one who pardons others. According to our scant knowledge, intercession is a desirable practice as the Prophet (peace be upon him) said: ("If you make intercession, you will be rewarded.") Consequently, intercession is an allowable practice according to Shari`ah.

Since we receive your Fatwa favorably, we ask Your Eminence to send us a written Fatwa on the permissibility of intercession with regard to manslaughter. Is it permissible for the victim's family to agree not to demand Qisas in return for a sum of money or to grant pardon with no return? We would like Your Eminence to focus on the permissibility and favorability of such a practice. We would be grateful if the reply could be as quick as possible.

May Allah safeguard you and all people of knowledge and virtue!

**A:** intercession with those who seek revenge to convince them to pardon the killer or to accept Diyah (blood money) instead of



demanding Qisas is a permissible act, as Allah (Exalted be He) says: (But if the killer is forgiven by the brother (or the relatives, etc.) of the killed against blood-money, then adhering to it with fairness and payment of the blood-money to the heir should be made in fairness. This is an alleviation and a mercy from your Lord.) This means that if the victim's family do not demand Qisas and pardon the killer, they have the right to receive Diyah. They have to demand the Diyah in a good manner; and the killer should pay the Diyah without procrastination. Allah (Glorified be He) says in Surah (Qur'anic chapter) Al-Isra': (And whoever is killed wrongfully (Mazlûman intentionally with hostility and oppression and not by mistake), We have given his heir the authority [to demand Qisâs, - Law of Equality in punishment - or to forgive, or to take Diyah (blood money)].) This means that the victim's family have the authority to murder the killer, to pardon the killer, or to take the Diyah. It is reported in Sunan of Al-Tirmidhy that the Prophet (peace be upon him) said in the year of the Liberation of Makkah: ("After these words of mine if a man is killed, his family will have a choice to murder the killer or accept the Diyah.") Al-Tirmidhy commented that the Hadith was Hasan (a Hadith whose chain of narration contains a narrator with weak exactitude, but is free from eccentricity or blemish) and Sahih (authentic).

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## Manslaughter

**The first question of Fatwa no. 1843**

**Q 1: Allah (Exalted be He) says:** ﴾And whoever kills a believer intentionally, his recompense is Hell to abide therein﴿ **Allah (Exalted be He) states that Fire is the punishment for a person who kills a believer, not a Muslim. Would a person who kills a Muslim also receive the same punishment?**

**A:** Whoever kills a Muslim, their punishment will be the Fire. If the inward aspects of the person being killed are in agreement with their outward aspects, they are regarded as believers as well; and their killers deserve the punishment stated in the Ayah (Qur'anic verse) mentioned above. If the inward aspects of the person being killed are not in agreement with their outward aspects, we should deal with them according to their outward aspects and we have no right to probe into their inward aspects. As a result, their blood is protected by Islam and no one has the right to transgress it. This is because it was authentically reported from Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said: ﴾"I have been ordered to fight against the people until they testify that none has the right to be worshipped but Allah and that Muhammad (peace be upon him) is Allah's Messenger. If they do so, they will save their lives and property from me, unless (they do acts that are punishable) in accordance with Islam, and their reckoning will be with Allah."﴿ (Related by Al-Bukhari, Muslim, and Ahl-ul-Sunan (authors of Hadith compilations classified by jurisprudential themes)) It was authentically reported from Usamah ibn Zayd (may Allah be pleased with them) that he said: ﴾"We were sent by Allah's Messenger (peace be upon him) to Al-Hurqah where we attacked its people early in the morning and defeated them. A man from Al-Ansar (Helpers, inhabitants of Madinah who supported the Prophet) and me chased a person from those people. When we caught him, he testified that there is no deity but Allah. As a result, the man from Al-Ansar stopped fighting that man, but I stabbed him to death with my spear. When



we returned to the Prophet (peace be upon him) and he was informed of what happened, he said, "O Usamah! Did you kill him after he had testified that there is no deity but Allah?" I said, "He said so to protect himself from us." The Prophet (peace be upon him) kept on uttering the sentence mentioned above until I wished I had not embraced Islam before that day."﴿ (Related by Al-Bukhari and Muslim) The Prophet (peace be upon him) did not regard the assumption of Usamah (may Allah be pleased with him) - that the person he killed was not truthful with regard to his Iman (Faith) - as a reason for not stressing that no one has the right to strip a person of Iman until Usamah felt really guilty for what he had done. Usamah said, "I wished I had not embraced Islam before that day." This proves that the worldly judgments apply to the outward aspects of people. Accordingly, whoever kills a Muslim intentionally is sinful and commits a major sin and deserves the Fire as a punishment unless this is done for one of the three lawful reasons mentioned by the Prophet (peace be upon him) when he said: ﴾"The blood of a Muslim is not lawful (to shed) except in three (cases): Qisas (just retaliation) for murder, a married person who commits adultery, and a person who renounces his Din (religion of Islam) and splits from the Jama`ah (the Muslim main body)."﴿ Also, some Nusus (Islamic

texts from the Qur'an or the Sunnah) may include the word "believer", but it is intended to refer to both Muslims and believers alike. For example, Allah (Exalted be He) says when describing Kaffarah (expiation):



﴾he must set free a believing slave﴿

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**The second question of Fatwa no. 2214**

**Q 2: Was the following Hadith authentically reported from the Prophet (peace be upon him)** ("That this world should entirely vanish is lighter in the Sight of Allah than killing a Muslim person") **?**

A: It was related by Al-Nasa'iy in his book, Al-Sunan, and Al-Tirmidhy on the authority of `Abdullah ibn `Amr ibn Al-`As (may Allah be pleased with them both) that the Prophet (peace be upon him) said: ("That this world should vanish is lighter in the Sight of Allah than killing a Muslim person.") The authentic narrations of this Hadith do not include the word 'entirely'. Also, it was related by Ibn Majah in his book, Al-Sunan, on the authority of Al-Bara' ibn `Azib (may Allah be pleased with him) that the Prophet (peace be upon him) said: ("That this world should vanish is lighter in the Sight of Allah than killing a believer unjustly." )

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Fatwa no. 7489

**Q: A man has falsely accused a chaste person of being involved in prohibited sexual relations, bringing him into disrepute in the whole society. If the chaste person kills the slanderer, will he be sinful or will this action be regarded as defense of one's honor, as stated in a Hadith? Please give us the ruling on this case. May Allah reward you with the best!**

**A:** It is not permissible to kill a person for the reason mentioned above and this is not regarded as defense of one's honor. Such an action will be a form of transgression of others' souls. The chaste person can ask for the Had (ordained punishment for violating Allah's Law) of Qadhf (falsely accusing a chaste person of involvement in prohibited sexual relations) to be inflicted on the slanderer by the Shari`ah-based authorities.

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**The ninth question of Fatwa no. 5611**

**Q 9: if two people threaten one another with knives or weapons and one of them kills the other, what will be their sentence in the world and the Hereafter?**

**A:** Each of the two people will be guilty of committing one of the major sins since each of them has tried to kill the other. As for the punishment of this sin in the Hereafter, they will both be tortured in the Fire unless Allah (Exalted be He) pardons them or one of them. It was authentically reported that the Prophet (peace be upon him) said: ("If two Muslims meet each other with their swords, (both) the killer and the killed one are in the Fire.' It was said, 'O Allah's Messenger! It is all right for the killer, but what about the killed one?' He said, 'The killed one was eager to kill his opponent.'")

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# Diyah

**The first question of Fatwa no. 6647**

**Q 1: What is the ruling on the Diyah (blood money) paid to the heirs of the deceased?**

**A:** The Diyah is to be distributed among the heirs of the deceased in the same way that inheritance is distributed. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The second question of Fatwa no. 18997**

**Q 2: One of our customs dictates that when a quarrel takes place between two people resulting in one of them being injured or killed by the other and there is a Diyah (blood money) to be paid, the tribe of the transgressor pays the Diyah and the tribe of the victim receives it and distributes it equally among all the members of the tribe. This practice is a sort of cooperation among the members of the tribe. What is the ruling on it?**

**A:** The Diyah is given to the injured person or is distributed among the heirs of the person being killed according to their prescribed shares; and they are given the option either to take it or leave it. None but the heirs of the person being killed has the right to take any share of the Diyah. It is worth mentioning that the customs opposing

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the Shari`ah (Islamic law) must be abandoned, as they are regarded as laws of Jahiliyyah (pre-Islamic time of ignorance).

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**The first question of Fatwa no. 18390**

**Q 1: I was driving along a freeway which was under reconstruction. there was a person driving a motorbike. Unintentionally, I hit the back of the motorbike. I did not stop to see what happened. Some of my cousins were with me in the car and advised me to stop, but I did not respond to their request. Please note that this accident happened more than eight years ago. What is your advice to me? May Allah reward you with the best!**

**A:** You should go to the traffic police and report the accident in order to search for the person you hit to know if he is still alive or to search for his heirs if he is dead. You should then pay the Diyah (blood money) set for such an accident unless you are pardoned by this person or his heirs.

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**Fatwa no. 20789**

**Q: My brother (may Allah be merciful with him) was killed three years ago. After sentencing the killer to Qisas (just retaliation), his foreign wife pardoned the killer and it was written in the sentence document that the right to demand Qisas had been dropped and the heirs would demand nothing but the Diyah (blood money). Some good people interceded to make conciliation between me and the chief of the killer's tribe and we agreed to receive two million riyals as Diyah. It is worth mentioning that the killed person owed some people about 500000 riyals. Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on the following points:**

**1. Is it permissible for me to repay my late brother's debt from this Diyah?**

**2. Is it permissible for me to give the creditors, who cannot prove their financial rights through documents or witnesses, if I already know about the debt or I trust the creditors to settle my late brother's debts and clear him from guilt?**

**3. Do any of the relatives of the killed person other than the heirs have the right to take anything from the Diyah after having received it over a period of three years?**

**A: First,** what has been lately received by the heirs of the killed person, such as the Diyah, is regarded as an item of inheritance. The Diyah is given as a compensation for the dead person's soul. Thus, it can be used to repay his debts and the expenses of his funeral. Accordingly, it is permissible for you to repay your late brother's debts from his Diyah, as the Diyah is an item of his inheritance.

**Second,** as for the creditors who ask for their financial rights



and have no witnesses or evidence, they can refer to the Shari`ah Court to prove their rights.

**Third,** the remaining money of your brother's Diyah after repaying his debts and executing his will - in case he had a will - is to be distributed among the heirs only. Each person takes their share of the Diyah according to their share in the inheritance. Since the Diyah is an item of inheritance, the relatives of the killed person other than the legal heirs do not deserve anything from the Diyah.

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Fatwa no. 8778

**Q: My parents, wife, and my children and I were driving along the road to Al-Ta'if from Riyadh. When we drew near the village of Zhalam, we had the intention to perform the `Isha' (Night) Prayer there. I think I was driving at about 100 kilometers when I had the accident and Allah knows best. I guess that if I had been driving faster, the car would have overturned. I fainted while driving and lost control of the car. When I regained consciousness, I found the car in the direction of Riyadh. My father died in that accident.**

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**Allah (Exalted be He) saved the other members of the family. The roof of the car was removed and the traffic police did not investigate the accident because of negligence. Accordingly, no one declared me as guilty. Also, none of my father's heirs asked for Diyah (blood money); either out of ignorance or out of pardon, and Allah knows best. It is worth mentioning that I observed Sawm (Fast) for two successive months. Is it obligatory for me to pay the Diyah for the death of my father? Please note that my father left a wife, three daughters, me (the car driver), a brother, and two sisters. What is the share of each of them of the Diyah in riyals?**

**Also, my father had a property consisting of a real estate and some farms. Am I totally excluded from inheritance? If I am totally excluded from inheritance, would my father's brother and two sisters receive a share of the inheritance along with the other heirs? In addition, my mother died some years after the accident and I had not given her a share of the Diyah out of my ignorance of the ruling on this matter. What should I do now? Should I distribute it among her heirs or among the poor as Sadaqah (voluntary charity)? Shall I inherit her or will I be totally excluded from her inheritance as well? Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding these questions. May Allah grant you the best reward and make Jannah (Paradise) your eternal abode!**

**A: First,** if the reality is as you mentioned, you have to pay the Diyah and offer the Kaffarah (expiation) for manslaughter. If an heir who is of legal age waives their share of the Diyah, this right is dropped.

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**Second,** the Diyah is given to the heirs of the deceased. If there are no other heirs of your father except those mentioned above, the wife will receive one-eighth of the Diyah and the inheritance and the three daughters will receive two-thirds of the Diyah and the inheritance and the brother and the two sisters will receive the remaining part of the Diyah and the inheritance by giving the male twice the share of the female, after repaying the debts of the deceased and executing his legal will if he had made a will. The one who caused the father's death, does not receive any share of the Diyah or the inheritance.

**Third,** your mother's share of the Diyah and the property she has left as inheritance should be distributed among her heirs after repaying her debts and executing her legal will. It is worth mentioning that you are one of her heirs.

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Fatwa no. 5144

**Q: Please give us a Fatwa (legal opinion issued by a qualified Muslim scholar) regarding two of my relatives; one of whom has died and the other is still alive. These two people committed a crime when they were in Riyadh on 29 Shawwal, 1385 A.H. They were driving their car when a man suddenly passed in front of the car.**

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**The person driving the car could not control it, and he hit that man. He, then, stopped, but his brother ordered him to go on. The driver observed Sawm (Fast) for two successive months. As for the one who is still alive, he is ready to pay what is obligatory for him and his late brother with regard to this crime. Please give us the ruling on this question. May Allah reward you best!**

**A:** If the reality is as you mentioned, the driver must pay the Diyah (blood money) for involuntary manslaughter to the heirs of the victim unless they remit it. The killer or his heirs - in case he is dead - have to search for the heirs of the victim through the police that investigated the accident and ask them to pardon their delay regarding the payment of the Diyah. The one who is still alive from the two brothers should sincerely make Tawbah (repentance to Allah) for concealing the crime. He should pay the Diyah to the victim's heirs or ask their pardon as mentioned above. May Allah forgive both of them as He is All-Hearing and All-Responsive!

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Fatwa no. 21823

Q: A woman was totally unaware of the teachings of Islam. She married while she was still young and lived in a district far from Masjids (mosques), scholars, and preachers. Allah (Exalted be He) knows

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that this woman was really ignorant of the rulings of Islam. She committed a lot of major sins, such as theft, and sowed dissention and spread calumnies among Muslim women. One of the major sins she committed was adultery. She became pregnant from her husband, but she killed her baby when he was four or five months old out of ignorance. It is worth mentioning that she did not know that this crime was a major sin. She killed the baby so he would not distract her from her make-up and work. Please note that the baby's father knew nothing about that matter. Then she became pregnant for the second time. When the embryo was eight months, she deliberately carried heavy weights with the intention to have a miscarriage. When she delivered the baby, he lived for five hours and then died on the same day.

She only performed Salah (Prayer) in Ramadan. Her Salah might not have been accepted by Allah (Exalted be He). Moreover, she used to observe Sawm (Fast) for the sake of Riya' (showing-off), not for the sake of Allah (Exalted be He). She gave birth to boys and girls. She then became pregnant and suffered from a severe illness. She received medical treatment in a clinic and she gave birth to a stillborn baby. Please note that she did not know whether this baby was born dead because of the treatment she received or because of something else. She did not cause this baby to be born dead. She always quarreled with her husband and they both did not fulfill the marital obligations they owed towards each other. When she remembers the sins she committed about forty-five years ago, she falls sick. About five years ago, she turned to Allah (Exalted be He) in repentance for what she had done. Now she

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is a righteous woman; she performs Salah regularly and sheds tears all day and night for the sins she committed in the past. It is worth mentioning that she observes Qiyam-ul-Layl (standing for optional Prayer at night) and performs other supererogatory acts of worship.

Please note that in case the Kaffarah (expiation) for such sins is Sawm, she would not be able to observe successive Sawm because of her illness and old age. What must she do to expiate for her sins? May Allah reward you best!

**A: First,** this woman must make Tawbah (repentance to Allah) for the sins she committed. Allah (Exalted be He) forgives those who make Tawbah. Allah (Exalted be He) says: ﴾And He it is Who accepts repentance from His slaves, and forgives sins﴿ **Second,** it is obligatory for her to pay a Diyah for intentionally killing her five-month-old son. The Diyah is to be given to the heirs of the baby and she is not entitled to receive anything from it.

**Third,** it is obligatory for her to pay the Diyah of the embryo that she killed one month before he was due to be born. The Diyah of the embryo is equal to one-tenth of the Diyah that can be paid to his mother. The Diyah is also given to the heirs of the embryo and she does not receive anything from it.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The first question of Fatwa no. 6268**

**Q 1: We would like to inform you that many tribes have the custom that the killer's family should pay the Diyah (blood money) whether as a result of a premeditated murder or an involuntary manslaughter. It is worth mentioning that the same applies to head wounds and other injuries. We would be grateful if Your Eminence could show what is lawful and unlawful in such practices. If it is the custom of the tribe to do one of the practices mentioned above, should the members of the tribe agree?**

**A:** the ruling that the killer's family should pay the Diyah applies to involuntary manslaughter and quasi-deliberate homicide. As for premeditated murder, the killer's family should not pay any part of the Diyah, as it is to be paid by the killer only. However, there is no problem if the members of the family agree to help him to pay the Diyah.

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**The third question of Fatwa no. 6252**

**Q 3: If a person was responsible for an accident, may allah forbid, and he died along with some other passengers in a car and he was the driver of the car, would it be obligatory for his family or inheritors to pay the Diyah (blood money) for the families of the other people who died? Also, would it be obligatory for the family of the dead driver to observe Sawm (Fast) on his behalf or**

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**do anything else on his behalf as expiation for the accident?**

**A:** If the killing resulting from such an accident was unintentional because of the driver's negligence, and the driver died along with other passengers, one Diyah should be paid by the driver's family to the inheritors of each of those who died in the accident. The driver's family should not offer any Kaffarah, such as freeing believing slaves or observing Sawm on behalf of the dead driver.

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Fatwa no. 18982

**Q: Along with this letter, there is a copy of the agreement by the members of a tribe to help each other with the payment of blood money, which is known as an agreement of cooperative insurance. This agreement consists of 15 articles, and I would like Your Eminence to review them to show what is lawful and what is unlawful. In general, is such an agreement permissible?**

**A:** After considering the agreement mentioned above, it has been found that it includes some financial obligations which each member of the tribe has to fulfill, and illegal punishments that all should abide by. Since this agreement is illegal and sows



hatred, grudge, enmity and difference among the members of the same tribe, people should avoid abiding by such agreements that include the obligations mentioned above. This is because Allah's Purified Shar' (Law) aims at Sadd-ul-Dhara'i` (blocking the means leading to sins) that arouse hatred, enmity and difference among Muslims. It is legally established that it is not lawful to take a Muslim's money without his consent. Forcing a Muslim to abide by such financial obligations opposes this Islamic fundamental.

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**Fatwa no. 15745**

**Q: One of our tribal customs dictates that whoever has an accident and his family takes Diyah (blood money) or is offered condolences, the tribe requests the deceased's family to pay one-third of the Diyah to them. They claim that this is an old custom, which they have inherited from their ancestors. We have advised them that this is impermissible. Some of them have given up this custom while others have not. What is the ruling of Shari`ah (Islamic law) on this custom?**

**A:** Diyah is the lawful right of the heirs of the killed person only and no one is entitled to have a share of it, as Allah (Exalted be He) says: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿

(Part No. 21; Page No. 241)

The old custom of taking one-third of the Diyah, which is currently practiced by some tribes, is Batil (null and void). They take what is unlawful for them, because they take people's money unjustly. If customs are contrary to the rulings of Shari`ah, they should be abandoned and priority should be given to the rulings of Shari`ah. Allah (Exalted be He) says: ﴾O you who believe! Obey Allâh and obey the Messenger (Muhammad صلى الله عليه وسلم), and those of you (Muslims) who are in authority. (And) if you differ in anything amongst yourselves, refer it to Allâh and His Messenger (صلى الله عليه وسلم), if you believe in Allâh and in the Last Day. That is better and more suitable for final determination.﴿

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Fatwa no. 11555

**Q: My brother (S.Y.F) died in a car accident that also resulted in the death of the other party (H.T.D). The General Traffic Department decided that my brother was fully responsible for the accident, therefore, we were charged with the Diyah (blood money) to be paid to the heirs of H.T.D. by the end of Ramadan, 1408 A.H. My family**

(Part No. 21; Page No. 242)

**collected the Diyah evenly amongst them and have given it to me to submit it to the court authorities. When I asked for an appointment with the heirs' attorney, I was informed that the Diyah sum was paid by a unanimous benefactor. My question is: Am I entitled to dispose of this money as the delegate of my family, especially as my father asked me to give him some of the money since he is in bad need for money to run our farm and revive some of our property? Can I take some of this money, too? I appreciate your guidance, may Allah bless you!**

**A:** You must return the money you took to pay the Diyah to your family, since the purpose for which the money was collected has been abated. If however your family assigns the money to a certain person, in this case the money should be given to that designated person.

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Fatwa no. 19082

**Q: My father was responsible for a car accident which claimed his life together with the lives of other people. Reconciliation was reached with the bereaved families to whom a Diyah (blood money) of 654,505 riyals was agreed to be paid. As we could not afford the Diyah, four cousins, through their relatives and contacts, helped in collecting this large sum**

(Part No. 21; Page No. 243)

**from their acquaintances. The money was paid in stages and by installments.**

**Before the distribution of the money to its rightful owners, one of my cousins had submitted a request for assistance to the Emir of Riyadh district asking him to help in the payment of the Diyah from Al-Bir Charitable Society. The request was approved and most of the Diyah was paid. A total sum of 240,343 riyals is still with the executor. It is difficult to know the exact amount of money donated by the people as some of them donated one hundred riyals, others donated five hundred riyals, and others donated one thousand riyals. The executor has a daughter and a son who are both ill, and another son who supports a family. Their family is so poor that they receive money from charity. Should the money be paid to them?**

(Part No. 21; Page No. 244)

**1- Are the heirs of the person for whom the money was collected the rightful owners of this money?**

**2- Or should the money be given to the executor who kept it?**

**3- Or does the money have to be paid to the four cousins who helped to collect it?**

**4- Or should the money be considered as Waqf (endowment)?**

**A:** It is obligatory upon the person who has the remaining part of the money to give it back to the donors. Each one is to receive the same amount they donated. This is because the reason for obtaining it as a donation no longer exists. However, it is permissible to donate the remaining sum to the heirs or to the needy after paying the Diyah.

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**The fourth question of Fatwa no. 5414**

**Q 4: Is it permissible to pay the Diyah (blood money) of a Jew or a Christian? How much is it?**

**A:** the Diyah of a Jew or a Christian is half the Diyah of a Muslim. It was related by Al-Nasa'y in his Sunan (book of Hadith) on the authority of `Amr ibn Shu`ayb from his father from his grandfather that the Prophet (peace be upon him) said: (The Diyah of Dhimmys (protected non-Muslims living under Islamic rule) is half the Diyah of Muslims.) The Dhimmys are the

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Jews and the Christians.

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**Fatwa no. 8258**

**Q: We are students at the Faculty of Education for Girls in Jeddah. A discussion was raised concerning the Diyah (blood money) issue in the Shari`ah in case of involuntary manslaughter. We had different opinions and did not decide the proper answers for some questions. Thus, we refer these questions to you for answer. May Allah reward you.**

**a- What is the amount of diyah of a child who is unintentionally killed in a car accident? Is it equal to the Diyah of a man or woman? Please explain it in details.**

**b- how much does the Diyah of a man exceed that of a woman? Are they equal?**

**c- If a non-Muslim (a Christian or a Jew) is killed unintentionally, what is the Diyah that the killer must pay? To whom will it be paid?**

**A: First,** the Diyah of a male child who is killed unintentionally after his birth is equal to the Diyah of a man, and the Diyah of a female child who is killed unintentionally after her birth is equal to the Diyah of a woman,

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which is half that of a man.

**Second,** the Diyah of a man and a woman who are unintentionally wounded is the same as long as it does not exceed one third of the full Diyah. If it reaches one third of the full Diyah, her damages would become half that of a man. It was related by Al-Nasa'y and Ad-Daraqutny on the authority of `Amr ibn Shu`ayb from his father from his grandfather that the Prophet (peace be upon him) said: ﴾A female receives damages for wounds equal to what a male receives. However, if the amount of damages equals one-third of her Diyah (blood money), she will be entitled to half the damages a male would receive﴿

**Third,** the Diyyah of a Jew or Christian killed unintentionally is one half of the Diyah of a Muslim, and the Diyah of their females is one half of that of their males. It is related by Ahmad, Al-Nasa'y and Al-Tirmidhy on the authority of `Amr ibn Shu`ayb from his father from his grandfather that the Prophet (peace be upon him) said: ﴾The blood-money for a disbeliever is half that of a Muslim.﴿ The wording of another narration reads: ﴾He made the Diyah (blood-money) for the People of the Book one half that of Muslims.﴿ i.e. the Jews and Christians. Related by Ahmad, Al-Nasa'y, and Ibn Majah. The Diyah is paid to the legal heirs.

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**Fatwa no. 8238**

**Q: Please answer my following questions:**

**1- Is it Wajib (obligatory) on a person's tribe to pay the Diyah (blood money) of involuntary manslaughter if they can afford it? It may be worth mentioning that people of the concerned tribe are more than two hundred in number.**

**2- is it permissible for a person's tribe not to pay the Diyah though they are able to do so and to ask other tribes to pay it? Many of our tribes are used to paying nothing for Diyah and they collect the money and sometimes its double value from other tribes.**

**It is noteworthy that the foregoing practice spreads badly amongst most of the Bedouin tribes of the Kingdom of Saudi Arabia.**

**A: Firstly:** If the reality is exactly as what is mentioned in the question that the tribe of the person who committed the involuntary manslaughter is able to pay the concerned Diyah, it will be Wajib (obligatory) on them to pay it.

**Secondly:** If the reality is exactly as what is mentioned in the question that the tribe of the person who committed the involuntary manslaughter is able



to pay the concerned Diyah, it is impermissible for them to beg for its value from other tribes.

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**The first question of Fatwa no. 19590**

**Q 1: a pregnant women aborted her child intentionally, what should she do now? Is there any Kaffarah (expiation)?**

**A 1:** If the fetus she aborted completed four months, she has committed a heinous sin and must repent to Allah (Glorified be He), be determined not to repeat this action, and pay the Diyah (blood money) to the heirs if they demand it. The Diyah is a new-born female or a male bondsman, estimated at one-tenth of the value of the blood-money for a woman (i.e. ten camels). There is no Kaffarah upon her, for she killed the fetus intentionally. However, if the fetus did not complete four months, then she has committed a forbidden act and must repent and never repeat it. There is no Diyah upon her in this case.

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**The sixth question of Fatwa no. 18579**

**Q 6: What is the ruling on piercing the fetal scalp to get rid of fluid gathered in it in cases of severe edema so that the scalp is reduced in size and the child is born as a normal child without having to undergo surgery? It is worth mentioning that in most cases this may lead to the death of the fetus.**

**A:** It is not permissible to do anything that might harm a fetus, because it is a human being that should not be harmed.

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**The fourth question of Fatwa no. 17785**

**Q 4: A sister is suffering from cancer. Due to her therapy, the embryo was badly affected and the doctors advised her that she should undergo an abortion, otherwise the baby will be born handicapped or deformed. She and her husband agreed to do this operation, but what is the ruling of Shari`ah (Islamic law) in this regard?**

**A:** It is not permissible to abort a fetus that is liable to deformation; rather, this is left within Allah's hands. The newborn might not be deformed.

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Fatwa no. 18567

All praise be to Allah Alone, and peace and blessings be upon the seal of all prophets.

To commence:

The Permanent Committee for Scholarly Research and Ifta' has read the inquiry submitted to His Honor the General Mufti by the acting Religious Consultant at King Khalid National Guard Hospital located in Jeddah and doctor Nayif Al-Siheily, a gynecologist and obstetrician consultant. Referred to the Committee of the General Secretariat of Council of Senior Scholars under the number 642 on 29 /1 /1417 A.H, the text of the inquiry is as follows:

Is it permissible to abort a severely deformed fetus which is sure to be a stillborn? Deformity includes:

1- Deformation of the heart muscle

2- Serious deformation of spinal cord and vertebra

3- Small sized head

4- A cyst, larger than the head, has been formed between the head and body

(Part No. 21; Page No. 251)

5- Intestines are formed outside the abdomen

6- Brain deformation

The woman is in the fifth month of pregnancy. Depressed about the serious condition of their baby, the parents agreed to abort it. Do the above reasons justify aborting this fetus? If it is not permissible to abort it, what sin will be if this abortion is performed? Give us your fatwa may Allah reward you!

After the Committee closely studied the inquiry, it issued the following fatwa: It is forbidden to abort the fetus depending on the hypothetical diagnosis of doctors. Islam primarily demands that we respect the humanness of the fetus, and prohibits aborting it. Moreover, it may be that Allah (Glorified be He) improves its health prior to delivery. It may be delivered free from those birth defects as diagnosed by the doctors. The parents should trust in Allah's ability to make it a well formed baby. They should be mindful of Allah (Glorified be He) and should ask Him to make their baby whole and make it the joy of their eyes. The Messenger of Allah (peace be upon him) stated ﴿Allah (the Exalted) states: I am as My servant thinks of Me...﴾

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**The third question of Fatwa no. 18390**

**Q 3: My wife used to take contraceptive pills, but she did not take them regularly, so she became pregnant without knowing it. When she visited the doctor, she went to the bathroom, where a hand-size clot of blood was discharged from her. Afterwards, the doctor told her that she had been pregnant, and that she must go to the hospital to perform dilation and curettage. My question is the following:**

**Is my wife considered sinful for having a miscarriage, as the embryo was in the first month, given that she miscarried while she was in the bathroom and could not do anything about it. May Allah reward you.**

**A:** if your wife did not deliberately perform abortion, she is not considered sinful.

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Fatwa no. 18355

**Q: I will tell you my problem and I hope you know how much I regret what I have done and how much pain I have to endure since I did it. I am a 48-year-old woman. When I was 19 years old, I was married and I had a girl and twin boys, all praise be to Allah. When I was breastfeeding my children, I felt some changes in my body, so I visited a doctor who said I was not pregnant. Again I went to another doctor who agreed with the first. Then I went to a third doctor who was a Christian doctor and he told me I was pregnant. I was afraid of the hardships of pregnancy, so I had an abortion. Bear in mind that I had not felt the movement of the fetus inside me. The doctor gave me a shot to induce abortion and I was staying in Egypt at the time. After returning home, I lost the fetus which had a full shape. It was a boy and it was the size of the palm of my hand or less but it had no bones. One of my neighbors**



**took it and washed herself with the water where she had put it, believing that this would help her get pregnant. Then she took the fetus and soaked it in salt until it became the size of a fingertip. All praise be to Allah, I returned to my country where I learned the Din (religion) of Islam and knew that what I did was Haram (prohibited). I did not know at the time, because I was young and I did not know much about Islam, and many women used to have an abortion. Please tell me the ruling on what I have done. What is the Kaffarah (expiation) of my deed to be able to gain Allah's Pleasure? I greatly regret what I did. May Allah guide us to perform sincere Tawbah (repentance to Allah)! May Allah reward you well and increase your record of good deeds!**

**A:** You have to perform Tawbah for what you have done, since it is not permissible to have an abortion. You have committed a prohibited act and you have to repent to Allah (Exalted be He). If the fetus was less than 4 months, you would not have to make Kaffarah, just perform Tawbah and do not repeat this evil deed again.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The second question of Fatwa no. 17701**

**Q 2: a woman had an abortion when the fetus was 4 months old, but now she regrets what she did. What should she do and what is the Kaffarah (expiation)? Please answer us. May Allah reward you well!**

**A:** Any woman who intentionally terminates her pregnancy should perform Tawbah (repentance to Allah) and seek Allah's Forgiveness, may Allah forgive her. In addition, she has to pay the Diyah (blood money) which is a male or a female slave. It is equal to one tenth of the mother's Diyah, which is 5 camels. The current value of this Diyah is 5,000 Riyals.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The first question of Fatwa no. 18962**

**Q 1: A woman's marriage did not last long due to many reasons. Later, she became pregnant but she had an abortion. What is the Islamic ruling on that? Please enlighten us. May Allah enlighten you!**

**A:** It is Haram (prohibited) for this woman to have an abortion because her husband

(Part No. 21; Page No. 256)

divorced her. She must perform Tawbah (repentance to Allah) and regret what she has done. She should not do anything like that again, since she has terminated the pregnancy without any lawful reason. Moreover, if she had the abortion after the soul was breathed into the fetus, she must pay the Diyah (blood money) - a male or a female slave, if asked for it.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 16219**

**Q: Seventeen years ago, my wife was pregnant but she had an abortion during the third month of pregnancy. One of the women who were present during the abortion threw the fetus and the placenta into the garbage without telling me. Do my wife and I have to make Kaffarah (expiation) for this? Please advise. May Allah reward you the best!**

**A:** The questioner did not mention whether it was an intentional abortion or not. Accordingly, if it was unintentional and it was during the third month of pregnancy - that is before breathing life into the fetus, your act of throwing the fetus into the garbage has no penalty in the Shari`ah (Islamic law) and no Kaffarah. On the other hand, if it was an intentional abortion during the third month of pregnancy, before breathing life into the fetus, the woman



sinned, and she has to repent to Allah (Glorified and Exalted be He).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 4662

**Q: my son died in a car accident caused by a non-Muslim from Korea. I want to forgive this person without taking anything; seeking Allah's reward. Is it permissible for me to forgive him? Shall Allah (Exalted be He) reward me for this? Please answer me as soon as possible by telegraph.**

**A:** You may forgive this person even if he is a non-Muslim, for the general meaning of Allah's saying: ﴿but whoever forgives and makes reconciliation, his reward is with Allâh.﴾ We hope that Allah (Exalted be He) will reward you, if you forgive him sincerely for His sake. However, if your son has other heirs, their right to the Diyah (blood money) is not waived by your forgiveness.

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Fatwa no. 9545

**Q: my father died in a car accident along with the driver of the other car. It should be mentioned that the other driver was fully responsible for the accident. As the legal guardian for six heirs; two girls and four boys, I would like to pardon the other deceased's family (exempt them from paying the Diyah - blood money), for they both died. Am I entitled to pardon them on behalf of my brothers? I do not want to take the Diyah, and I am already liable for my brothers' maintenance till they reach maturity. I ask Allah, then you, to guide me to the answer.**

**A:** If the situation is as mentioned, you can waive your own personal right. However, you can only do this on behalf of the other heirs if they authorize you, provided that they are of legal age. Being responsible for them does not entitle you to relinquish their right.

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Fatwa no. 9516

Q: I had a car accident which caused the death of my father's cousin and two of my cousins who were with me in the car. The heirs of my father's cousin and one of my cousins gave up their right to the Diyah (blood money) as they were not married. However, the other was married and has a two-year old daughter and a wife pregnant in her third month. After she gave birth to a boy, the father, mother, and wife of the deceased gave up their rights to the Diyah and I paid the share of the two kids. However, the grandfather of the two kids asked me to take it back and he will take care of them until they reach the legal age and will bequeath them their father's share.

Your Honor, their grandfather requests I take back the blood money in accordance with their traditions, even though this contradicts their customs.

(Part No. 21; Page No. 260)

My questions are:

(1) Is it permissible for the grandfather of the kids to act freely regarding their father's blood money?

(2) Does their share of the blood money lapse because their grandfather considers them in their father's place?

(3) Is it permissible for me to accept the money, which their grandfather insisted on returning back to me?

Your Honor, would you please write back to us so that I will be able to convince the grandfather to take the blood money and invest it for them until they reach the legal age. May Allah reward you.

**A: First,** their grandfather has no right to act freely regarding their father's blood money except in whatever benefits them.

**Second,** their right does not lapse by their grandfather's renouncing their right.

**Third,** you should not take the money back from their grandfather.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The third question of Fatwa no. 9855**

**Q 3: The traffic police stated that the accident was definitely the other man's fault, because he was driving in the opposite direction of the road. There was something ambiguous about the road. The other driver was a Buddhist Thai who was driving a large van with an insurance policy. He did not even try to avoid the accident, whether by using brakes or deviating away from the other car towards the right side. we are not entitled to ask for Diyah (blood money), because the accident, in my viewpoint, comes within the ruling of involuntary manslaughter, besides the other driver is not a Muslim, and is not entitled to be given charity. If we forgive him, will we be rewarded?**

**A:** If the reality is as you mentioned and you forgive this driver, you will be rewarded in sha'a-Allah (if Allah wills).

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Fatwa no. 14789

**Q: A man killed another person unintentionally in a car accident, and a Diyah (blood money) of one hundred thousand Riyal was collected for him. Two years later, the court judged that only half of the Diyah had to be paid because both the man who committed the accident and the dead person were mistaken. Does the other half of the money that was collected become the right of the man who committed the accident?**

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**A:** If reality is exactly as what you have mentioned in the question, and you know the persons who gave this amount, it will be Wajib (obligatory) on you to repay them the remaining amount. However, if you do not know them, and there is somebody else who is burdened by a Diyah that they can not afford; it will be Wajib on you to give them this sum through the court. Finally, if neither of the two previous channels is applicable; you will have to give the sum as Sadaqah (voluntary charity) to some poor people, for the construction of Masjids (mosques), or in any other charitable ways of disposition on behalf of the people who donated the money that was originally for Diyah.

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Fatwa no. 19676

**Q: Allah destined that my 9-year-old son should die in an accident. Will accepting his Diyah (blood money) deprive me of his Shafa'ah (intercession) in the Hereafter? Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on this matter. May Allah reward you with the best for what you do for me, Islam, and the Muslims!**

**A:** You are given the choice to either take the Diyah or forgive it, and forgiveness is better.



Allah (Exalted be He) says (what means), ﴾but whoever forgives and makes reconciliation, his reward is with Allâh.﴿ If you take the Diyah, it will not deprive you of your son's Shafa'ah, In sha'a-Allah (if Allah wills), as it is your lawful right.

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**Fatwa no. 17656**

**Q: When my brother was seven years old, he was playing with a group of children and was on a tree. he took a stone and threw it at a boy, causing him eye damage. However, until now my brother has not confessed that he did this. The victim is now an adult and he still does not know who threw the stone at him. Is there a Shar`y (Islamically lawful) ruling on this act? What can we do?**

**A:** Your brother should ask the victim to forgive him or reconcile with him and discuss the monetary compensation he would like to take.

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Fatwa no. 11213

**Q: I drove my friends from Tabuk to Al-Madinah Al-Munawwarah and Makkah to perform `Umrah, and on the way we had a car accident. One of my friends died in the accident, and his family demanded me to pay Diyah (blood money). While I was in jail, my brothers collected donations for the Diyah. Fortunately, a royal pardon was issued and the Diyah was waived. Now, after my release, I am asking whether it is permissible for me to take these donations. It is important to note that these donations were collected from different people in different tribes.**

**A:** Since the cause is removed, you are obliged to repay the money, regardless of the amount, to the donors. However, if those donors are aware that the Diyah is waived and they allow you to take the money willingly, there is nothing wrong with you taking it.

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## Kaffarah

**The fourth question of Fatwa no. 18172**

**Q 4: my friend and I were involved in a road accident. my friend who was driving the car at a high speed died (may Allah be merciful with him). I requested him to slow down or to let me drive the car but he did not respond and the accident occurred. It is important to note that the car that was involved in this accident belonged to me. Must I feed poor people or fast to expiate for this? Please answer me. May Allah protect you!**

**A:** The driver has to assume responsibility for the car accident. He has to pay Kaffarah (Expiation) and Diyah (blood money) if he has been convicted of being guilty of all or part of the accident. If someone else shares the responsibility of the accident, the driver only has to pay his portion of the Diyah.

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**Fatwa no. 11653**

**Q: Sixty years ago, a man was involved in the murder of a person to avenge his paternal uncle's murder. He was young and reckless at the time.**

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**He committed such an act influenced by some people who kept blaming and scorning him for not avenging his uncle's death. Accordingly, he rushed into this act and was imprisoned for three years along with others after paying the due Diyah (blood money). Afterward, he willingly spent five years away from his homeland for fear of revenge. Now he wants to repent to Allah (Glorified be He) and requests a Fatwa (legal opinion issued by a qualified Muslim scholar) on what is to be done with respect to Allah's judgement of this act, since he has already fulfilled the individual's rights about sixty years ago. Therefore, we ask Allah that you, or any other competent authority will provide us with a Fatwa in this regard. Assalamu `Alaykum (Peace be upon you).**

**A:** All that you have to do is to repent to Allah (Glorified and Exalted be He) for the premeditated murder. You are not obliged to pay Kaffarah (expiation), for it is not obligatory in this case according to the strongest opinion of scholars' rulings.

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**The first question of Fatwa no. 4760**

**Q 1: I had a car accident, causing the death of two persons. According to the traffic report, the responsibility for the accident was 35% mine,**

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**and 65% the driver of the other car involved in the accident. The family of one of the victims waived their claim, but the family of the other victim demanded the Diyah (blood money). We paid it and the judge sentenced us to observe Sawm (Fast) for two consecutive months as Kaffarah (expiation). I asked a religious scholar who told me that I have to observe Sawm for four months. Please tell me what I should do. Do I have to observe Sawm consecutively? Does the error percentage have any effect on the period of Sawm?**

**A:** If the reality is as you mentioned that you were involved in causing the death of two persons, you are obligated to make Kaffarah for involuntary manslaughter for each victim. This Kaffarah is freeing a believing slave; but if this is beyond your means, you should observe Sawm for two consecutive months. Nothing else will be enough to expiate for this. This is because Allah (Glorified be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave﴿ until the Ayah (Qur'anic verse): ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ Being a partner in the crime has no effect on the obligation of making Kaffarah by each partner. There is no harm if you take a rest after observing Sawm for two consecutive months, which is the Kaffarah for one victim, after which you can begin to observe Sawm for another two consecutive months to make the Kaffarah for the other victim.

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**Fatwa no. 4427**

**Q: I built a reservoir about eight years ago to benefit those living in my house or anyone else too. I had a daughter who was around 5-year-old, who used to bring water for the family and others every now and then. It was Allah's Divine Decree and Predestination that on 17/12/1401 A.H, when our daughter went to bring water to her family from the reservoir as usual - she was accustomed to go get water for her family at any time, it was something common to her that she always did, this was not unusual - she fell in the reservoir and died (may Allah be merciful to her). I hope that Your Eminence will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) on my situation. Am I to blame for anything in regard to her, because I am the one who built the reservoir. What are the consequences that I have to bear because of what happened, for I fear Almighty Allah (Exalted be He)? Please give me a Fatwa on this, may Allah reward you.**

**A:** If the case was as you mentioned regarding your situation and that of your daughter, there is no Diyah (blood money) due from you nor do you have to offer Kaffarah (expiation). Just because you built the reservoir does not constitute a reason for making you sinful or laying the blame on you for anything of this.

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Fatwa no. 12554

**Q: I had a car accident a long time ago; I crashed into a car that was already turned upside down by another accident on a curved road. Three people died, but I have no idea whether it is because of me or the first accident that occurred moments earlier. I reconciled with their families. However, I had serious injuries and bruises; iron fixtures have been fixed to my leg for nine years; I cannot do any job to sustain myself and my family; and my medical and financial conditions are very difficult. Praise be to Allah for His Wisdom. I would like to inquire about the Kaffarah (expiation). If I have to observe Sawm (fasting), my difficult medical and financial conditions do not enable me to do so; I have five children who need someone to provide for them; and I still have fixtures in my leg. Allah (Exalted be He) knows that I can hardly provide for my family their daily sustenance. I have no idea what to do. Please advise. May Allah reward you.**

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**A:** You should pay kaffarah for each one of the three people who died, whether you were the main cause of their death, or you were just a partner to it, as Kaffarah cannot be distributed. The Kaffarah is emancipating a believing slave. If you cannot do that, you have to observe Sawm for two consecutive months for every person, according to Allah's saying, ﴿It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴾ until His saying, ﴿And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴾ If you cannot pay the Kaffarah, it remains a debt on you to repay whenever you are able to.

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**Fatwa no. 6647**

**Q 1: What is the ruling on the Diyah (blood money) paid to the heirs of the deceased?**

**A:** It should be divided among the heirs of the deceased in the same way as the estate is divided among them.

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**Q 2: should I observe sawm (Fasting) after paying the Diyah and how many days should I fast? Should they be consecutive or not? Can I fast intermittently or feed poor people instead?**

**A:** It is obligatory on you to offer Kaffarah (expiation) for involuntary manslaughter, which is freeing a believing slave. If you cannot find one, you have to observe Sawm for two consecutive months. You are not permitted to fast intermittently. It does not suffice to feed instead the poor as Kaffarah for involuntary manslaughter, as there is no proof of the legality of doing so for expiating involuntary manslaughter in the Book of Allah or the Sunnah of His Messenger (peace be upon him). And, indeed, your Lord is never forgetful.

**Q 3: If some drivers proportionately share the blame for an accident, is this related to the previous questions?**

**A:** If the responsibility for an accident is proportionately shared by some drivers, it is obligatory on each of them who were responsible for the death to pay their share of the Diyah (blood money) according to their level of responsibility. As for the Kaffarah, everyone who shared in the involuntary manslaughter, even if their share of the responsibility was small, has to offer it. But if someone was fully responsible, they should offer the Kaffarah alone and their relatives should pay the Diyah.

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**Fatwa no. 3998**

**Q: a man unintentionally shot another to death and paid the Diyah (blood money).**

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**What expiations he should make? May Allah have mercy upon you.**

**A:** If the reality was as you mentioned, this man should emancipate a believing slave; and if he is unable to do that, he should fast for two consecutive months, as stated in the Qur'an.

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Fatwa no. 2822

**Q: I experienced an accident as I was on my way back from work, I went to thresh some of my plants and I did not know that my three-year-old daughter was behind my car. I run over her and she died. Please tell me about the Fidyah (ransom) which is Wajib (obligatory) on me bearing in mind that I am a farmer who works the whole day and it is very difficult for me to observe Sawm (Fast).**

**A:** If reality is exactly as what you have mentioned, what you did is involuntary manslaughter because you were negligent in checking what was behind your car. Accordingly, it is Wajib on you to pay the Diyah (blood money) of your daughter to her heirs unless they waive it. However, you are not entitled to inherit from her and it is Wajib on you to make the Kaffarah (expiation) of involuntary manslaughter which is freeing a believing slave or, in case of inability to do so, observing Sawm for two successive months. It is worth mentioning that feeding or paying money to needy people is not sufficient for

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the Kaffarah in question since Allah (Exalted be He) only mentions freeing slaves and Sawm, and your Lord is never forgetful. He (Exalted be He) says: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ Until His saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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**The first question of Fatwa no. 16647**

**Q 1: Is it permissible to pay the Kaffarah (expiation) of accidental killing in the form of food to sixty needy people according to what one can afford, or should it all be paid at the same time?**

**A:** Kaffarah for accidental killing does not include feeding, because Allah (Exalted be He) only states two things for this sort of Kaffarah: emancipating a believing slave, or observing Sawm for two consecutive months for those who cannot do the former.

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Allah (Exalted be He) says, (And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months)

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Fatwa no. 3982

**Q: What is the ruling concerning a man who stopped his vehicle and started unloading some of the goods, and in the meantime his assistant went under the vehicle without his knowledge, and when the driver finished unloading, he got into his car which was still running, then all of a sudden he heard someone calling him from behind. His assistant was on the ground, unconscious. At once the driver offered him medical assistance and reported the accident to the concerned authorities. The assistant died and after that the family of the deceased gave up their right to the Diyah (blood money) and the driver was told that he had to pay money to emancipate a believing slave, i.e. thirty thousand riyals, and that the Sawm (Fast) was waived. The man paid the sum, but after a period of time he was also told that what he had done did not waive the Sawm. What is legal opinion in this matter?**

**A:** If the reality was as mentioned, you should emancipate a believing slave,



and if you are unable to do that, you could fast two consecutive months. This is according to the texts of the Qur'an and the Sunnah. Feeding poor people does not count, because there is no evidence in Shari`ah (Islamic law) that supports it and never is your Lord forgetful.

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**Fatwa no. 3516**

**Q: During a religious class held in Al-Haraja, someone asked the following question: four years ago, his wife placed her 2-month-old baby near a fire. For some reason, she went out of the house leaving her baby alone. Sparks flew out of the fire and burned the baby who died immediately. Must the mother of this baby pay Kaffarah (expiation)? She is ready to carry out your ruling.**

**A:** If the reality is as you mentioned that she placed her 2-month-old baby near a fire and left the house leaving him alone and that he died because of the sparks that flew out of the fire, she has to pay Kaffarah for unintentional manslaughter, because of her neglect in protecting her baby.

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Allah (Exalted be He) says, ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ Up to His saying, ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ Feeding the poor is not acceptable because Allah (Exalted be He) has not mentioned it as a Kaffarah for unintentional manslaughter; and never is your Lord forgetful.

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**Fatwa no 6890**

**Q: A child fell into the drainage ditch of my house and died, and later I was informed that i had to fast two consecutive months as a Kaffarah (expiation), but my health is not good enough for me to fast these days. My work in the Civil Status Department in my town is hard since I continuously meet with the examiners and I do my best to fulfill the needs of my house and children. Is it permissible that I feed sixty needy persons instead of fasting? May Allah reward you!**

**A:** If the case is as mentioned above, you are not permitted to feed sixty needy persons instead of fasting.

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Fatwa no. 4402

**Q: I had a car accident in which the other person died (may Allah be merciful with him). As it was my mistake, I paid the Diyah (blood money), and I still have to pay the Kaffarah (expiation). i was told that the Kaffarah in this case is observing Sawm (fasting) for two consecutive months, which is very difficult for me. Please advise whether there is another alternative, given that I am a military officer, and it is very difficult for me to observe Sawm for two consecutive months. Besides, man is weak. However, one should obey the orders of Allah (Glorified be He). Please advise concerning the best way to make this Kaffarah. If there is no other way, can I observe Sawm on separate intervals according to my circumstances?**

**A:** You have to emancipate a believing slave. If you cannot do so, you have to observe Sawm for two consecutive months whenever you are able to. There is no harm in delaying Sawm until you are able to observe it consecutively. However, it is impermissible to observe Sawm on separate intervals,

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as it is contrary to Allah's orders. There is no substitute for Sawm.

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**The third question of Fatwa no. 13199**

**Q 3: One day I unintentionally killed some cats that were hiding in my car engine. Is there any sin on me? Enlighten us may Allah grant you a good reward and guide your footsteps!**

**A:** There is no blame on you as you did not kill the cats intentionally.

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**Fatwa no. 19543**

**Q: I used to have a disabled daughter who was thirteen years and five months old. Though I took care of her, she was not well because she would not eat enough and consequently she was not able to walk but she would crawl. once I put her in the tub to wash her as I would do every day. I left her swimming and went to the kitchen to prepare something**



**intending to go back to her quickly. Unfortunately I forgot my daughter and when I remembered her I went to her immediately but I discovered that she had died. I was distracted and very sad for forgetting her in the tub. Please tell me if there is something Wajib (obligatory) on me. May Allah keep and bless you.**

**A:** If the reality is exactly as what is mentioned in the question, it will be Wajib on you to make a Kaffarah (expiation) which is freeing a believing slave or, in case of inability to do so, observing Sawm (Fast) for two successive months. Moreover, it will be Wajib on your tribe to pay the Diyah (blood money) to the heirs of the deceased if they claim it. A proof for the foregoing is the Ayah (Qur'anic verse) in which Allah (Exalted be He) says: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ Until His saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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Fatwa no. 21002

One of my relatives lived with us in

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the same house 20 years ago. He had a four-month-old daughter. My wife heard this girl crying late at night and thought that her family was awake. In the morning, they found the girl dead. When they did not find anyone to wash or bury her, my wife undertook that task with another person. However, my wife was still in her post-partum period.

Is my wife blameworthy for not awaking the family of the girl once she heard the girl crying? is she obliged to do anything, as she washed the dead while she has having her post-partum period? What do her parents incur in this case? Please advise. May Allah reward you.

**A:** Washing the dead girl is a good act that the woman will be rewarded for - In sha'a-Allah (if Allah wills). Being in her post-partum period does not affect her action. There is no blame on parents of the girl as long as they are not responsible for her death. Also, there is no blame on the person who heard her crying and did not awaken her family assuming that they were already awake.

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**Fatwa no. ( 19150 )**

**Q: Your Eminence Shaykh, one day my father was sick. I took him to the hospital in my car. While I was driving, an accident took place, which resulted in both me and my father being taken to the hospital. Due to this accident my father met his death. It was estimated that I was mistaken by 25% for the occurrence of the accident and the other part, an Egyptian person, was responsible for it by 75%.**

**We, the inheritors of the deceased, remitted our right due on this Egyptian in a way that matches with Shari`ah. My inquiries here are:**

**1- I was informed that there is a Kaffarah (expiation) due on me, which is fasting two consecutive months. I fasted both the months of Rajab and Sha`ban. The following month is Ramadan. Thus what should I do? May Allah reward you with the best!**

**2- I have been informed by some Shaykhs, may Allah reward them the best, that I have no right to inherit my deceased father.**

**Please give us your fatwa about this, may Allah reward you the best!**

**A:** You have to fast the second day of Shawwal in order that you complete the sixty days, because you have fasted only fifty nine days, since the month of Rajab this year, 1417 A.H., was 29 days and Sha`ban was 30 days. Sawm (Fast) of Ramadan does not break the consecutiveness of obligatory Sawm in expiation due on you. As for the issue of

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inheritance, it should be referred to the courts concerned.

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**Fatwa no. ( 18921 )**

**I had an accident that resulted in killing two people. Asking Your Eminence about a Fatwa on this, you mentioned that I have to fast two consecutive months as Kaffarah (expiation) for not finding a slave to emancipate for each person. I began fasting from 29 / 4 / 1417 A.H. However, the month of Ramadan will soon begin - in sha'a-Allah (if Allah wills) - while there still remains a day or two that I have to fast. My questions can be summarized as follows:**

**1- If Ramadan begins while there still remain a few days that I have to fast, should I make up for them after Ramadan or should I consider the first days of Ramadan a completion to the days of Kaffarah and then make up for the days missed from Ramadan afterwards?**

**2- If I am on a journey, is it permissible for me not to observe fasting?**

**3- If I fall ill, Allah forbid, and am given an injection or have blood drawn from me for a blood analysis, does this spoil my previous days fasting or only the fasting of the day when I was ill?**

**4- During one of my fasting days (i.e. during the ninth day of fasting for the Kaffarah, I - kissing my wife - discharged Wadiy (a thick white secretion discharged by some men after urination) or Madhy (pre-seminal fluid). Does this invalidate the fasting of the very day or of all the previous days,**

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**or not?**

**A: First:** With the beginning of Ramadan, you should observe fasting with the intention of fasting Ramadan. Then, you should resume Kaffarah fasting on the day following the day of `Eid so as to complete the remaining days of Kaffarah.

**Second:** If you travel while observing Kaffarah fasting, it is permissible for you to break the consecutive of fasting, knowing that this does not affect such consecution.

**Third:** If the discharge that came out of you was Maniy (spermatic fluid), your fast is invalid. In such case, you should restart fasting the determined period on the day following that day. On the other hand, if the discharge that came out of you was Madhy (pre-seminal fluid), your fast is still valid according to the soundest opinion.

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**Fatwa no. 2168**

**Q: A driver had an accident which left two people dead. The accident took place because a company, who had done some road work, neglected to put up a warning sign. a ruling was passed by virtue of which both the driver and the company were forced to share equal payment of the Diyah (blood money). They were also asked to fast**

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**four months in expiation for involuntary manslaughter of the two people. The driver asks whether he has to fast or to offer Fidyah (ransom)?**

**A:** If the case is as you mentioned, you are duty bound to do what you have recently been required to do. In terms of involuntary manslaughter it is not sufficient to feed the needy. Rather, you must free two believing bondsmen. If you can not afford that, you must fast four months on behalf of each victim provided that each two months are fasted consecutively. It is permissible to break the fast for a period between each two months. Allah (Exalted be He) states: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ The Ayahs (Qur'anic verses) read: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

Allah orders that a free believing bondsman be freed in expiation for involuntary manslaughter. If the murderer cannot afford freeing a believing bondsman, he will have to fast two consecutive months. Neither feeding nor Sadaqah (voluntary charity) has been prescribed by Allah as expiation for involuntary manslaughter.

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**Fatwa no. 4869**

**Q: I had car accident in which three people died. I asked a judge concerning what I should do. He gave me three choices: 1-To observe Sawm (fast) for two successive months for each person who died, 2- To free a believing slave for each person who died, 3- To feed sixty poor persons for each person who died.**

**Since I could not observe Swam for six months, or free three believing slaves, I want to feed the poor. What is the amount I should pay for each poor person? Kindly guide me. May Allah reward you well!**

**A:** Whoever commits unintentional manslaughter should bear a Kaffarah (expiation) over and above the Diyah (blood money), which is freeing a believing slave. If he could not do that, he should fast for two consecutive months. You can fast for two months consecutively this year, then two successive months after a while, and

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two other successive months later on. According to the soundest opinion of the scholars, Kaffarah by serving food does not suffice. This is based on the Saying of Allah (Exalted be He): ﴿It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family unless they remit it. If the deceased belonged to a people at war with you and he was a believer, the freeing of a believing slave (is prescribed); and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood-money - Diya) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴾ In this honorable Qur'anic Ayah (verse), which gives a detailed explanation, Allah (Exalted be He) makes no mention of serving food. This is proof that what is ordained is the freeing of a slave, and for those who find this (the penance of freeing a slave) beyond his means, then Sawm is obligatory. There is no other Kaffarah.

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**Second question of Fatwa no. 16745**

**Q 2: Before he died, my brother had a car accident and ran over a lady who consequently died.**

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**He decided to observe Sawm (Fast) for two months, but shortly after this he fell sick and died before he could fast the two months. Who has to perform the Sawm on his behalf? It may be worth mentioning that his eldest child is a seventeen-year-old daughter.**

**A:** Your brother was accountable for the two months Sawm that were Wajib on him due to the involuntary manslaughter that he committed, but he died before he could observe this duty. It is not Wajib on his children or any body else to make up this Sawm on his behalf. However, if someone voluntarily makes up the Sawm of these days on behalf of your brother, they will be rewarded for it, and this will be sufficient for your brother In sha'a-Allah (if Allah wills). A proof for the foregoing is the Hadith in which the Prophet (peace be upon him) said: (If anyone dies in a state 'that they had to complete' some days of Sawm, their Waliy 'kin' must observe Sawm on their behalf.) (Agreed upon by Al-Bukhari and Muslim on the authority of `Aishah, may Allah be pleased with her).

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**Fatwa no. 12458**

**Q: A man died before paying the Kaffarah (expiation) which was freeing a bondsman. What must his heirs do in this regard? Please reply, may Allah reward you!**

**A:** The cost of freeing a believing bondsman should be taken from



the estate of the deceased in case of the Kaffarah of the involuntary manslaughter. If the deceased was poor and did not leave behind enough money, it is permissible for any of his relatives to fast for two consecutive months on his behalf, as the Prophet (peace be upon him) stated: (If a person dies before making up for their obligatory fast, their heir must fast on their behalf.) .

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Fatwa no. 1133

**Q: A Muslim person is obliged to offer Kaffarah (expiation) for killing. Scholars has obliged him to observe Sawm (Fast) for two consecutive months. Yet he says that he cannot observe Sawm consecutively since this is too hard for him, because he practices some military activities continually. Is it permissible for him to refrain from observing Sawm and feed poor people due to his circumstances?**

**A:** He who kills a believer by mistake should emancipate a believing slave. If he finds this beyond his means, then he should observe Sawm for two consecutive months. If he still finds this beyond his means, then he will continue to be excused and exempted until he can either emancipate a believing slave or observe Sawm for two consecutive months until his death. To put it in other words, if he died without being able to do so, he will be exempted In sha'a-Allah (if Allah wills). It is not permissible to feed poor people instead of observing Sawm according to the sound opinion since Allah did not mention this regarding the Kaffarah

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for involuntary manslaughter whereas He (Exalted be He) mentioned it regarding other types of Kaffarah. Indeed "never is your Lord forgetful". It is not valid to use Qiyas (analogy) to apply the ruling on a certain Kaffarah to another one since Kaffarah is among the acts of worship that are Tawqifiy (bound by a religious text and not amenable to personal opinion).

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**Fatwa no. ( 1190 )**

**Q: In the year 1370 A.H. a person shot his gun and killed another man wrongfully, and he did not expiate for it. Now he can't afford emancipating a believing slave nor can he fast due to suffering from a gastric ulcer. He asks about the consequences?**

**A:** Whoever kills an inviolable soul by mistake, should offer a Kaffarah (expiation), i.e. emancipating a believing slave. Whoever cannot afford this, must fast for two consecutive months. Allah (Exalted be He) says: ﴿and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴾ ... ﴿And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh.﴾ Since the inquirer mentions that

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the person who killed cannot afford the emancipation of a slave nor can he fast due to suffering from a gastric ulcer, then the Kaffarah (expiation) remains due on him to pay once he can afford it. Yet if he dies before having the ability, either to emancipate a believing slave or to fast, then this is beyond his ability and "Allah burdens not a person beyond his scope."

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**Fatwa no. ( 2360 )**

**Q 1: Allah willed that I had a car accident. While driving a car, a person crossing the road unexpectedly turned up in front of me. Being hit by the car, the man met his death. I became bewildered as I could not fulfill the Kaffarah (expiation) of involuntary manslaughter since I am an old man, about eighty years old. Moreover I suffer from asthma, and due to my health conditions I cannot fast for two successive months. Is it then sufficient for me to pay Sadaqah or feed poor people instead? Please give me advise, may Allah benefit us with your knowledge!**

**A:** If the case is as you have mentioned, i.e. you killed a person through hitting him by mistake, you should give Diyah (blood money) to the inheritors of the deceased unless they give up their right to it.

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You should also offer Kaffarah, i.e. emancipating a believing slave. Whoever cannot afford this must fast for two consecutive months. Allah (Exalted be He) says: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ ... ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ If you are unable to fast until you die, you will be exempted from fasting. Allah (Exalted be He) says: ﴾Allâh burdens not a person beyond his scope.﴿ And: ﴾and has not laid upon you in religion any hardship﴿

May Allah grant us success, and peace and blessings be upon our Prophet and his family and Companions!

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Fatwa no. 6835

**Q:** I would like to inform Your Eminence about an accident that took place on the main road of the Al-Rafi`ah village, a section of Al-Dawadimy, about a year ago.

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I had some patients with me who were in need of treatment. I was transporting them to the clinic, and suddenly a child appeared in front of the car and I ran over him. I took him along with the other patients I had with me, and helped him. The clinic then transferred him to the main hospital in Al-Dawadimy. I took him to the hospital in my own car. Eight days later, the child passed away. I paid the prescribed Diyah (blood money) to his family which was forty-four thousand riyals. This occurred two days before the announcement of the new increment in the Diyah sum. This is the brief account of the accident, may Allah bless you.

For me, I praise Allah the Lord of the Worlds. However, I am deeply worried about the Sawm (Fast), for I am unable to fast due to a psychological disorder and epilepsy that may cause me to loose consciousness for up to half an hour. My left leg was amputated as a result of the incident of the attack on the Haram (the Sacred mosque in Makkah). I was one of the soldiers who fought those rebels, and I face many other hardships as well. I have an artificial leg since my leg is amputated from the middle of the thigh.

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Accordingly, I am often unable to drive. I am a forty years old and I try hard to avoid whatever Allah (Glorified be He) has prohibited as long as I am able to do so, but I do not have the strength to offer Sawm. Please inform me if there is any other solution for me. May Allah bless your!

I am presenting my problem before Your Honor, hoping that you can grant me a legal exemption based upon the previously mentioned circumstances.

**A:** If the reality is as you have mentioned, it is obligatory for you to offer the Kaffarah (expiation) of involuntary manslaughter, which is to free a believing bondsman or to fast two successive months. If you cannot afford the cost of freeing a believing bondsman, feeding, clothing or the like are not acceptable in this case, for Allah (Exalted be He) states: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave﴿ to His Statement: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ Allah (Glorified be He) only prescribes freeing a bondsman or fasting for two consecutive months as a Kaffarah for involuntary manslaughter. For your Lord is never forgetful. However, whoever is unable to do this and their condition continues to prevent them, Allah knows their sincerity and willingness to fulfill His commands.Thus, He will forgive them.

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**Third question of Fatwa no. 12077**

**Q 3: One day when I was young, i told a lady while she was in her postpartum period that her father had died. She immediately had epilepsy since she was overtaken by the bad news and died the same day. Am I considered a sinner for this? What do I have to do?**

**A:** You are not considered a sinner for informing the concerned lady of the death of her father.

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Fatwa no. 12188

**Q: About fourteen years ago a person was involved in a car accident that resulted in the death of nine people. The accident happened when the concerned man's taxi clashed with a large parked car that was located on the main road between Dammam and Riyadh. Two other cars immediately**

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**hit against the two sides of the taxi. The taxi driver went in a coma for four months, and different parts of his body were broken, especially his right leg that makes him still limp though he tried to treat it locally and abroad. The concerned man would like to know the Kaffarah (expiation) that he has to make by observing Sawm (Fast) etc. He mentions that he started Sawm this year in the month of Safar as a precautionary act. He asks whether it is permissible for his family members or others to help him with observing the Sawm of Kaffarah. He needs your answer urgently and says that the Traffic department decided at the time of the accident that the concerned man's mistake was responsible for the accident at the rate of 50%. We hope that your Eminence will issue a Fatwa in this regard. May Allah keep and help you. May Allah grant us sincerity to do righteous deeds only in His cause.**

**A:** If the matter is exactly as what is mentioned, it will be obligatory (Wajib) on you to make nine Kaffarahs (expiations). Such Kaffarahs are to free nine slaves or, if you are unable to do so, to observe Sawm for two successive months for each one of the deceased. It is impermissible for anyone else to observe Sawm on your behalf as long as you are alive.

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**Fatwa no. 7479**

**Q: I am a staff sergeant L. H. `A. Borders Force. I was assigned a task by my authority, and on my return journey before I reached my headquarters I had suspicions about a small car that was filling up with petrol. I watched it until it left the town crossing the motorway then I, along with all my colleagues who were in my company, chased the car with our official cars. consequently, the concerned car turned upside down by the traffic circle. We stopped by it and discovered that it was loaded with wine. The point is that one of the car's passengers died as a result of the overturning, while the other did not, and the patrol was not held accountable by the concerned authority.**

**Is it Wajib (obligatory) on us to observe any Sawm (Fast) as a Kaffarah (expiation) for involuntary manslaughter?**

**A:** If reality is exactly as what is mentioned in the question, no Kaffarah is Wajib (obligatory) on you or any of your colleagues who were in your company.

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Fatwa no. ( 6482 )

**Q: My brother whose age is approximately seventeen years and five months old**

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**unintentionally ran over a boy, who was about thirteen years old, on Thursday, 4/10/1403 A.H. The traffic police held him responsible for 50% due to his failure to act in the best way to avoid the accident. The private right ended with the relatives of the deceased waiving their legal right, for seeking Allah's reward. Now the question is: My brother determined to fast two months starting from the beginning of this month of Dhul-Qa`dah 1403 A.H. The problem is that the next month will be the month of performing Hajj that contains the blessed day of `Eid Al-Adha (the Festival of the Sacrifice). Should he break his fast during this day only and then make up for it later or should he continue fasting? Should he fast two months according to the Hijri calendar or should he complete fasting sixty days?**

**A:** He should not observe fasting on the day of `Eid Al-Adha (the Festival of the Sacrifice) and should make up for it after fasting the two months. This does not interrupt consecutiveness. The due fasting regarding the expiation of murdering is to fast just two months as Allah (Exalted be He) said: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months﴿ In fasting the two months, he should depend on the sighting of the crescent, i.e. on the Hijri calendar.

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Fatwa no. 19968

**Q: Around ten years ago, my car had a problem and I parked it in a high place to be able to jerk and operate it. I checked my car's water and released the gearbox as I thought that doing so would warm the car even though it was not operating. I was old and ignorant of cars' mechanics. suddenly my car rushed quickly towards my grandson. I tried to stop it but it dropped me down, ran over my grandson and caused him to die. I hope that your Eminence will issue a Fatwa for me in this regard.**

**A:** If the reality is exactly as you have mentioned, it will be obligatory (Wajib) on you to make Kaffarah (expiation) of involuntary manslaughter. Such a Kaffarah is to free a believing slave or, if you are unable to do so, to observe Sawm (Fast) for two successive months because you are the one who caused the accident. Regarding the Diyah (blood money), if there is a claim it will have to be decided by the court.

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Fatwa no. 14016

**Q: It was the predestination of Allah (Exalted be He) that I was involved in an accident while I was driving my car, and my father and sister who were in my company consequently died. Moreover, the driver of the oncoming vehicle died immediately along with his colleague. The consequent investigation and traffic viewing found me to be fully responsible for the accident. How much do I have to pay as a Diyah (blood money) for the deceased? It may be worth mentioning that I asked my well-off cousins to help me but they refused and called me an ignorant person whom they did not like to help.**

**Please tell me about the Kaffarah (expiation) and Diyah that I have to give? Finally, what is the duty of my cousins and relatives towards me?**

**A:** If the matter is exactly as what is mentioned in the question, it will be Wajib (obligatory) on you to make Kaffarah of involuntary manslaughter for every person that died as a result of the accident. This Kaffarah is freeing a believing slave or, in case of inability to do so, observing Sawm (Fast) for two successive months. On the other hand, the matter of the Diyah should be referred to the court.



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Fatwa no. 14559

**Q: An inquirer says that she has children whom she kept in one of the rooms to clean the house. she left a six-month old baby sleeping on a bed and later found her dead after falling between the bed and the wall. She asks whether she has to make Kaffarah (expiation) for this or not. We hope for confident anticipation of Allah's Recompense and an answer to the Fatwa request. May Allah guide you and grant you success! Ameen! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**A:** If the reality is as you have mentioned and there was no negligence on the part of the inquirer, there is nothing for her to do because the basic rule is acquittal. We ask Allah (Glorified and Exalted be He) to grant her a better compensation and reward her for her affliction.

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Fatwa no. 14182

**Q: A captain doctor in Al-Hada Military Hospital sent the attached question, in which he said that he was subject to a traffic accident due to a collision with another car, which led to the death of his five-month-old son. The traffic report showed that the driver of the other car involved in the accident had priority to pass, for the doctor was passing from a side street to the main road on which the other car was passing. He said that he could not notice the other car passing by very fast - according to the traffic report - on the main road. Thus, what Allah destined took place. The man is asking your Eminence whether he has to make Kaffarah (expiation) for the death of his son in the accident. We hope your Eminence would answer the question; may Allah guide and protect you!**

**A:** This person has to make Kaffarah, which is freeing one believing slave; and if this is not available, he should fast for two consecutive months. This is because Allah (Exalted be He) says: ﴿and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴾ until the following Ayah (Qur'anic verse): ﴿And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴾

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Accordingly, he should exert himself to find a believing slave and set them free. If this is not available, he should fast for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 13887

**Q: I would like to tell your Eminence that on 26/9/1409 A.H. while I was traveling from Riyadh towards the south, there was a child with his family under one of the bridges. Once I reached the bridge in my Datsun car, the child jumped in front of my car. I hit him and he died a week after this accident. 25% of the responsibility for the accident was my mistake. I know I have to fast two successive months, but I live in harsh conditions. First, I am a military man and I work in a remote area and my work conditions are very hard. It should be noted that I work to support my family; because they have no one to sustain them except me. Is it permissible for me to spend on the weak and needy due to my life and work conditions?**

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**Please advise!**

**A:** You have to offer Kaffarah (expiation) for involuntary manslaughter, namely, freeing a Muslim slave. If you are unable to do so, you have to fast two successive months. It is not sufficient for you to feed needy people to fulfill your duty to do Kaffarah for involuntary manslaughter.

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Fatwa no. 13889

**Q: While I was breastfeeding my three-month-old daughter, my elderly and ill mother-in-law called upon me to lift her and seat her. i drew my breast from my daughter's mouth while she was crying; i seated my mother-in-law and gave her a cup of milk. Then, i went back to my daughter, and found saliva in her mouth. I put my breast in her mouth, but she did not suckle. In that moment, I realized that she had died. I hope your Eminence would guide me to what should I do. Allah is witness over my speech. May Allah grant us success!**

**A:** If the case is as you have mentioned, there is no Kaffarah (expiation) ordained upon you, for what you mentioned in the question means that you did not cause the death of your daughter. The basic principle is being free from the charge of murder.

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**Fatwa no. 13937**

**Q: a mother put her young baby in the shade the wheels of a parked car. The driver later started the car, and unintentionally ran over the child, and the child consequently died. We hope Your Eminence would guide us concerning what the woman and the car driver should do. May Allah reward you best! May Allah grant us success!**

**A:** If the case is as you have mentioned, the car driver is obliged to pay the Kaffarah (expiation) and Diyah (blood money). The Kaffarah is setting a Muslim slave free, and if he is unable to find one, he should observe Sawm (fasting) for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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(Part No. 21; Page No. 307)

**Fatwa no. 11920**

**Q: On 7/12/1408 A.H., I was returning from Jizan to Fifa Mountains where my family lives, heading to my mother's house where my children were staying. I wanted to take my children with me to Jizan, but my mother opposed me and told me that the `Eid (Feast) is approaching, and she wanted me and my children to spend the `Eid with her, but I refused. She remained silent for a while, and then she said, "May Allah do what is best." I did not pay attention to those words. I took my wife and children, and we rode a small car. When I reached the foot of the mountain, they told me at the police station that there are floods in the valley, and they recommended that I should wait until the floods subside. However, I did not listen to them, and I continued my journey, thinking that there was no flood. When I reached the valley, the car was stuck, and the people kept on asking me to run away, as the flood is coming. My wife also tried to help me run away, and I kept on trying to get out of the car for fifteen minutes. However, the flood came, and I could not get all of my family out of the car. my wife and six of my children died in this tragic event. Please advise concerning what I should do in this case. May Allah reward you.**

(Part No. 21; Page No. 308)

**A:** You should make seven Kaffarahs (expiations), as you caused the death of the seven people who were with you in the car. Kaffarah for each one is emancipating a believing slave. If you cannot do so, you have to observe Sawm (fasting) for two consecutive months. Allah (Exalted be He) says, (It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.) until He says, (And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.)

You should also perform Tawbah (repentance to Allah), as you were careless, and you did not obey your mother or the people who advised you to run away. You should not do this again.

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**Fatwa no. 2337**

**Q: I was pregnant in the seventh month and while breaking firewood with my axe, the wood I hit bounced back and hit me in my stomach.**

(Part No. 21; Page No. 309)

**This affected the fetus and a week later, I lost my daughter. What should I do? Please bear in mind that I did not do it intentionally. This was my last pregnancy after delivering nine babies that did not survive. I am now between 70 and 80 years old. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you well!**

**A:** If the reality is as you mentioned, you have to pay the Diyah (blood money) of this fetus which is one tenth of the mother's Diyah. The value in Saudi currency is approximately 2,000 Riyals, unless the heirs give up their right. You are not entitled to any share in the inheritance and you have to make Kaffarah (expiation) for involuntary manslaughter. To do this you must manumit a believing slave, and if this is not available you have to fast for two successive months. Allah (Exalted be He) says: ﴾and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ up to: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ (Surah Al-Nisa', 4:92)

We ask Allah (Exalted be He) to reward you and help you do what is necessary!

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 4729**

**Q: I was driving on a bridge in Riyadh when someone suddenly appeared in front of me. I could not evade him as he had appeared from nowhere. Unfortunately, I ran him over and he died at once. I was not speeding and the deceased was going the wrong way. Despite that, the police laid 50% of the blame on him. There is neither might nor power except with Allah! I was sentenced to pay 70% of the Diyah (blood money), but I still want to know about the Kaffarah (expiation). Please answer me. Peace be upon you!**

**A:** If the reality is as you mentioned, you should make Kaffarah for involuntary manslaughter. To do this you must manumit a believing slave and if this is not available, you have to fast for two successive months, and there is nothing else that suffices you. Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿

**(Part No. 21; Page No. 311)**

up to: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ (Surah Al-Nisa', 4:92)

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Fatwa no. 20667

**Q: One day I was home with my little boy and my neighbor was visiting me. While I was bidding my neighbor farewell, my boy slipped in the bathroom where there was a basin full of water and some clothes that I was washing earlier. I usually pay attention and close the bathroom door to prevent my son from entering. This time, I forgot to close the door. After my neighbor left, I found the boy in the bathroom with his head in the basin. He was dead, all praise be to Allah for His Predestination. The problem now is that I regret it and live in pain feeling that it was my fault. Do you think I caused his death? Do I have to do anything to expiate for it?**

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A: There is no harm on you and you do not have to do any Kaffarah (expiation) for the death of your son who fell into the basin that is used for washing clothes. There is no evidence that you caused his fall or his death, since it is normal to keep these basins in the bathroom. Moreover, the basic rule is your innocence until proven otherwise.

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Fatwa no. 20781

**Q: In the sixth month of my pregnancy I was in a bad mood and wanted to eat ripe dates. The dates were in a deep basin. I had to bend my body over to reach the dates. i pressed my belly against the side of the basin to get some dates. Then, i felt pain for a month and gave birth to a stillborn baby. I did not mean any harm to my baby. This incident took place more than twenty years ago and the father of the baby is dead now. Am I sinful? Please advise!**

**A:** If the reality is as you have mentioned, you have to pay Kaffarah (expiation); namely, setting free a Muslim slave. If you can not afford this,

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you have to fast for two consecutive months (sixty days) as you caused the death of your fetus.

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**Fatwa no. 13915**

**Q: i had an accident and the car turned over as i fell asleep while driving. As a consequence:**

**my wife died instantly and my mother went into a coma for two months. Afterwards my mother regained consciousness and found out about the accident. She had some complications and phlegm in her chest. Three months later, she died in the hospital. Now, what should I do after causing the death of two people, in the case of the one who died instantly and the one who died three months after the accident? Should I offer Kaffarah (expiation)?**

**A:** You have to offer two Kaffarahs for causing death of your wife and mother. You have to free a Muslim slave for each person you killed. If you are unable to do so,

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you have to fast two successive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The first question of Fatwa no. 20463**

**Q 1: i am a young man who had a car accident, as i hit a person causing his death. It was an unintentional accident. My maternal uncle works as a lecturer at the Faculty of Education. One of his friends is the head of one of the faculty departments and the head of the Islamic Relief Organization in the region where I live. This person said that he knows a professor in Imam Muhammad ibn Su`ud Islamic University in Riyadh, who works in the Faculty of Da`wah (calling to Allah); and he praised his honesty. This professor said that he would help us in this matter for the sake of Allah (Glorified and Exalted be He) by taking the amount of money required for freeing a slave, which is ten thousand Saudi riyals, and sending it to another reliable person in Mauritania to use it for setting a slave free. I, thus, deposited the required sum of money in his bank account, as he lives very far away from me, then I asked another reliable person about this professor to be certain of his honesty which was**



**confirmed. I am asking whether I am now free from the obligation of setting a slave free.**

**A:** If it is proven to you that there are slaves and you freed one of them as a Kaffarah (expiation), whether you freed them yourself or by another Muslim whom you trust, then there is nothing else for you to do and you are free from blame. Praise is due to Allah. It is worth mentioning that the Kaffarah of involuntary manslaughter is to free a believing slave; and if you cannot afford this, you should fast for two consecutive months. The Kaffarah in this case does not involve feeding poor people.

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**Q2: If the money I pay for freeing a Muslim slave is not mine but offered by my brothers, because I was then a student at university, is it permissible for me, or should it be paid from my own money? I appreciate your advice!**

**A:** The money you pay for freeing a Muslim slave does not have to be your own money. There is no harm if your brother helped you to pay this amount.

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**Fatwa no. 9188**

**Q: I would like to tell Your Eminence that i shot a pregnant woman by mistake.**

(Part No. 21; Page No. 316)

**I hope that your Eminence would guide me concerning the Sawm (fast) I should observe and what should I do.**

A 1: If the case is as you have mentioned and the woman died with her fetus in the womb, you are obliged to pay one Kaffarah (expiation). This is freeing a believing slave, and if you did not find one, you should fast for two successive months.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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**Fatwa no. 12235**

**Q: What is the ruling on a woman who miscarries a baby due to taking medicine?**

**A:** If the aborted fetus had completed four months, his Diyah (blood money) is freeing a newly-born male or female slave. The Kaffarah (expiation) is freeing a believing slave, and if she cannot find this, she should fast for two successive months, ask for Allah's forgiveness and repent to Him for this sin.

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May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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**Fatwa no. 16295**

**Q: What is the ruling of Shari`ah (Islamic law) on someone who starts to observe Sawm (Fast) for two successive months as Kaffarah (expiation) and then becomes ill amidst this period? Should this person continue observing Sawm or is it permissible for him to break his Sawm until he recovers and then resume Sawm?**

**A:** If a person has to observe Sawm for two consecutive months as Kaffarah for committing involuntary manslaughter, having intercourse with his wife during daytime in Ramadan, or taking an oath of Zhihar (a man likening his wife to an unmarriageable relative), then he falls ill during this prescribed period of Sawm, it is permissible for him to break his Sawm and resume it after Allah grants him recovery. Breaking Sawm due to illness does not break off the successiveness of Sawm.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 21067

**Q: I want to inform Your Eminence that I had to observe Sawm (Fast) for two consecutive months due to hitting a person with my car and killing him. I began Sawm, yet**

(Part No. 21; Page No. 318)

**after ten days I felt tired and broke my Sawm, intending to postpone it to a later time. This same day when I returned home, I felt better. Thus, I resumed observing Sawm for the rest of the prescribed period. Is observing Sawm for sixty days on my part, even though I broke my Sawm for just one day after the tenth day from the beginning of Sawm, considered consecutive or not? Does this suffice for the prescribed period?**

**A:** It is obligatory to observe Sawm for two months, which is Kaffarah (expiation) for involuntary manslaughter, consecutively except when there is a Shar`y (Islamic legal) excuse; such as illness, traveling, the day of `Eid, and suchlike. Accordingly, if you broke your Sawm on the day you have mentioned due to not being able to complete Sawm as a result of feeling sick, then you are not considered as having broken off consecutiveness. Otherwise, you should observe Sawm for two months beginning from the first day you observed Sawm on following the day on which you broke your Sawm.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 16636

**Q 1: Having to observe Sawm (Fast) for two consecutive months as Kaffarah (expiation) for an accident, I started fasting on the second day of Rajab in 1414 A.H.**

(Part No. 21; Page No. 319)

**I continued fasting consecutively, yet this coincided with the beginning of Ramadan. I hope Your Eminence will give me a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard!**

**A:** It is obligatory for you, upon the end of Ramadan and the Day of `Eid-ul-Fitr (the Festival of Breaking the Fast), to resume fasting the two months. You should count the days you fasted before Ramadan and complete the sixty days because observing Sawm in Ramadan does not break the consecutiveness.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2910

**Q: A person ran over someone inadvertently on 29/12/1398 A.H. He was accused of being responsible for the accident by 90% and was, thus, sentenced to remain in prison until 6/4/1399 A.H. After being released, he observed Sawm (Fast) for a month but was then forced - because of some familial affairs - to travel to Riyadh with one of his relatives for treatment. Due to whether changes and having felt tired and stressed during his stay in Riyadh, he broke his Sawm for a week after which he returned to his workplace in Khamis Mushayt and fasted the second month.**



**As the mentioned person wants to be sure about the validity of his Sawm, we hope Your Eminence will give him a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard.**

**A:** The basic rule in offering Kaffarah (expiation) for involuntary manslaughter states that Sawm should be consecutive. Factors that do not break off consecutiveness are either essential or optional. Essential refers to an illness that renders Sawm impossible or menstruation with regard to women. These two matters do not break off consecutiveness. Rather one should count the previous days one fasted and complete the sixty days. Traveling for a necessary cause constitutes an optional factor that does not break off consecutiveness, such as the question posed by the inquirer. Traveling, in this case, is considered a Shar`y (Islamically lawful) excuse, provided that it is not intended to be taken as a pretext for breaking Sawm.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 20680 )**

**Q: I had a car accident that resulted in the death of both my mother and daughter, may Allah be merciful with them! Is it permissible for me to observe Sawm (Fast) as Kaffarah (expiation) along with performing Hajj this year? Is it permissible for me to begin fasting while performing Hajj?**

(Part No. 21; Page No. 321)

A: Performing Hajj does not prevent a person from observing expiatory Sawm for involuntary manslaughter. Thus, you can combine them both. If the days of Hajj coincide with the days of expiatory Sawm, then you are prohibited from observing Sawm on the Day of Nahr (Sacrifice, 10th of Dhul-Hijjah, when pilgrims slaughter their sacrificial animals) and three days after it, i.e., the Days of Tashriq (11th, 12th and 13th of Dhul-Hijjah). It is obligatory for pilgrims not to observe Sawm on these days as it was authentically reported that the Prophet (peace be upon him) prohibited people from observing Sawm on them. Breaking your Sawm during these four days does not break off consecutiveness. Thus, if you begin expiatory Sawm before the Day of Nahr, you have to resume Sawm after the Days of Tashriq until you finish sixty days for each soul that died in the mentioned accident, if you were accused to have been responsible for the accident or for even a percentage of it. If you want to begin observing expiatory Sawm after performing Hajj, it is up to you, and this is preferable since the season of Hajj is approaching and so that you can break your Sawm on the day of `Arafah. It is preferable for a pilgrim not to observe Sawm on the day of `Arafah to have enough strength to perform acts of `Ibadah (worship), Du`a' (supplication) and Dhikr (Remembrance of Allah).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 2504

**Praise be to Allah and peace and blessings be upon His Messenger, his family and Companions. The Permanent Committee for Scholarly Research and Ifta' has examined**

(Part No. 21; Page No. 322)

**the question submitted by His Eminence, Judge of the Court of Al-Salil, to His Eminence, General President, referred to it by the General Secretariat, no. (1198/2) dated 9 Jumadah II, 1399 A.H. It reads as follows:**

**The citizen who asks the question is a car driver. While transferring camels from Jizan to Riyadh, he stopped by the road side to help another driver whose car was stuck in the sand. Meanwhile, the owner of the camels got out of the car and went to sleep under it. When the questioner finished with the other driver, he started his car while the man was still under it, and consequently he drove over him and killed him. He asks whether he should observe Sawm (fast) to offer Kaffarah (expiation), bearing in mind that this will be difficult for him, given that he is always traveling to earn his livelihood. Kindly guide him. May Allah reward you!**

It answered as follows:

If the case is as you have mentioned, the man who drove off in his car killing the man who was under the car has to pay Diyah (blood money) and offer Kaffarah (expiation) for committing involuntary manslaughter by neglecting to inspect his car and his surroundings before driving away. The Kaffarah for involuntary manslaughter is freeing a believing slave, and if he does not find any, he is to fast for two consecutive months, for Allah (Exalted be He) says: ﴿and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴾

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till He says: ﴿And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴾ Surah Al-Nisa': 92

Feeding the poor does not suffice as a Kaffarah, for Allah (Exalted be He) does not mention it; and never is your Lord forgetful. We could not perform Qiyas (analogy) between it and the Kaffarah for Zhihar (a man likening his wife to an unmarriageable relative) or Kaffarah for having sexual intercourse intentionally during the daytime in Ramadan, for Qiyas, according to the soundest opinion of the scholars, is not to be made in Kaffarahs.

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**Fatwa no. 3728**

**Q: A long time ago, my father A. H. S. A. caused the death of one of his sons. While the father was standing on top of the house holding a rough piece of wood with many branches to throw it into the yard,**

**(Part No. 21; Page No. 324)**

**my brother came quickly to watch the piece of wood falling. One of its branches hit him causing him to fall from the top of the second floor and he died instantly in the yard. The accident took place in the southern region. My father died fourteen years after my brother's death. He did not know he had to expiate for it because he did not intend to kill his son and did not know he was there at the time when he threw the piece of wood.**

**I am concerned about expiating for the sin of my father if he is accountable for this. I am confused regarding what I should do. Therefore, I seek your advice and guidance on what to do to expiate for my father's deed, if he is accountable for this accident.**

**A:** If the reality about your father's deed is as you mentioned, he had to offer Kaffarah (expiation) for involuntary manslaughter, which is freeing a Muslim slave. If he was unable to do so, he had to fast two successive months, according to the Saying of Allah (may He be Praised and Exalted): ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ to His Saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿ Surah Al-Nisa', 4:92

**(Part No. 21; Page No. 325)**

Since your father died without doing what he had to do, his heir has to purchase a Muslim slave from his estate and free him. If the estate can not afford this or there are no slaves, it is desirable that his inheritor should fast two successive months instead of him according to the Saying of the Prophet (peace be upon him): ﴾If anyone dies in a state (that he had to complete) some days of fast, his heir must fast on his behalf.﴿ (Agreed upon by Al-Bukhari and Muslim).

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Fatwa no. 20601

**Q: Before his death, my father suffered from many diseases. He also had a car accident in Riyadh - Al-Qaseem road where three people died. The report of the accident indicated that my father was responsible for the accident. he survived the accident suffering illnesses for five years. These diseases, especially diabetes, prevented him from fasting the days required for Kaffarah (expiation). He finally suffered from paralysis resulting in his death.**

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**We are ten children, females and males, and want to make up the missed fasts required by Kaffarah according to Shari`ah. Please advise. May Allah protect you from every evil and harm.**

**A:** Among the acts of showing gratitude to your father is making up for the fasts required by the Kaffarah that your father owed before his death, as the Prophet (peace be upon him) said, (Whoever dies owing fasts, his heir should fast on his behalf.) This act is good and desirable. It is noteworthy that the Kaffarah of involuntary manslaughter for each one killed by your father is to fast for two consecutive months (sixty days). Additionally, it is impermissible for more than one person to share the fasts required by one Kaffarah, but rather each one should observe one Kaffarah.

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Fatwa no. 20393

**Q: I had a forty-two-year-old brother who died in 5/10/1418 A.H. after a long fight with illness. In his last days, he was unconscious in hospital, and he could not observe Sawm (fasting) during the month of Ramadan.**

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**His medical condition was bad, as he suffered from tuberculosis, and he underwent many surgeries while he was in hospital. He had also had a car accident in 1399 A.H. where he caused the death of two people. It was decided by the traffic department that his responsibility for the accident was 20%, and the bereaved families conceded the Diyah (blood money). As for the Kaffarah (expiation) of accidental killing, my brother could not observe Sawm before his death. He left six thousand Riyals that I found in his car, in addition to his share of the social security that I received for the year in which he died; it was 5,400 Riyals. He also had five shares in Al-Rajihy Company, their value is five hundred Riyals. He also had two thousand Riayls from a money pool deposited in the bank. We sold his car for forty two thousand Riyals, and paid his debts from its money. His mother is still alive, and he has five brothers and four sisters. All of us are ready to concede our shares in the inheritance and dedicate it to charitable ways of disposition. He does not have children, and he never married in his life. Please advise concerning everything mentioned above.**

**A:** If the situation is as you mentioned, your brother is excused for not observing Sawm, as he could not do it because of his illness until he died. As for the accident

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in which he bears 20% of the responsibility, he should pay Kaffarah for accidental killing of the two people who died, as he was partly responsible for it. As he died before paying the Kaffarah, his heirs should pay it from his legacy. It is either emancipating a believing slave, or, if not possible, volunteering to observe Sawm on his behalf, two consecutive months for each person. A volunteer will be rewarded by Allah. This is proved by what was narrated on the authority of `Aishah (may Allah be pleased with her) that the Messenger of Allah (peace be upon him) said, (If anyone dies in a state (that they had to complete) some days of Sawm, one of their heirs must observe Sawm on their behalf.) Related by Al-Bukhari and Muslim in their Sahih (authentic) books of Hadith. As for the money left by your brother, the original ruling is that it should be distributed among the heirs as stated in the Qur'an and the Sunnah of the Messenger of Allah (peace be upon him). If all the heirs or some of them concede their right in the inheritance willingly, and want to make it a Sadaqah Jariyah (ongoing charity), you will be rewarded for it, and the deceased will be rewarded as well in shaa'-Allah (if Allah wills).

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Fatwa no. 6892

**Q: Is it permissible to feed a Miskin (needy) by giving the value of food in cash? Will the giver be rewarded for this? Would it be sufficient for the giver to give the Miskin the value of one Sa` (1 Sa` = 2.172 kg) in cash? Would it then make the Kaffarah (expiation) in the form of food unnecessary, or is it necessary to achieve it in the form of one of the mentioned foodstuffs (dates, wheat, barley, or rice)? Please advise, may Allah reward you with the best!**

**A:** If the feeding you are asking about is the obligation in the Kaffarah for Zhihar (a man likening his wife to an unmarriageable relative), sexual intercourse with one's wife during the daytime of Ramadan, a broken oath, or the Iftar (breaking the Fast) of an old man or woman during Ramadan due to them being unable to observe Sawm (Fast), the Kaffarh for all of these acts cannot be achieved except by feeding and it cannot be replaced with money. The same ruling applies for Zakat-ul-Fitr (obligatory charity paid before the Festival of Breaking the Fast) in Ramadan.

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**The first question of Fatwa no. 12575**

**Q 1: Is it permissible to offer the food required by Kaffarah (expiation), in the form of rice, dates, or something else? How many persons may take one Sa` (1 Sa` = 2.172 kg)?**

(Part No. 21; Page No. 330)

**Is it permissible to offer the value in cash?**

**A:** It is permissible to offer the Kaffarah, be it for Zhihar (a man likening his wife to an unmarriageable relative), fasting, or breaking an oath, in the form of food. One Sa` of the local staple food, whether be it dates, rice, or anything else, must be given to two poor people. Offering kaffarah in the form of cash is not valid according to the preponderant view.

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**The first question of Fatwa no. 8823**

**Q 1: Regarding Kaffarah, which is preferable: Offering Sawm (fast) or feeding needy people if the expiator has a lot of money?**

**A:** As for the Kaffarah (expiation) of Zhihar (a man likening his wife to an unmarriageable relative) and sexual intercourse during daytime in Ramadan, it should be observed in the following order (1) freeing a believing bondsman, (2) fasting for two consecutive months if the expiator cannot fulfill the first ordinance, or (3) feeding sixty needy persons if he or she cannot fast. Regarding the Kaffarah of an oath, the person who breaks the oath is to be given the choice to feed ten needy persons, clothe them, or to free a bondsman. However, there is no proof for giving precedence to any act over the other.



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**Fatwa no. 5717**

**Q: A person had sexual intercourse with his wife during her ninth month of pregnancy. Thereupon, she gave birth to a fetus with some injuries that took place due to the sexual intercourse and caused him to die afterwards. Is the father to blame for this?**

**A:** If the reality is as mentioned, you have to pay Diyah (blood money) and offer a Kaffarah (expiation). As for the wife, she does not have to offer a Kaffarah as she was forced to have intercourse.

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**The second question of Fatwa no. 12373**

**Q 2: a man threw a piece of cow dung containing a stone at his pregnant wife causing her a miscarriage. She was pregnant with two embryos in their seventh month (a boy and a girl). The man later died and left behind two daughters.**

**If he had to make a Kaffarah (expiation) in the form of fasting, can it be shared by his two daughters?**

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**Does he have to pay Diyah (blood money)? Did he have to make a Kaffarah (expiation) for each baby or did he have to make one Kaffarah for both of them?**

**A:** The man who threw an object at his wife causing her a miscarriage of two babies has to pay a Diyah and make a Kaffarah. The Diyah in this case is two Ghurrahs (a Ghurrah = 5% of blood money of an adult) to be paid to the inheritors from the inheritance before it is distributed to the inheritors. As for the Kaffarah (expiation), it is fasting two successive months for each one of them. It is permissible for the daughters to do this instead of him, each one fasting two months and hence each one of them will offer one of the father's Kaffarah according to the Saying of the Prophet (peace be upon him): (If anyone dies in a state (that he had to complete) some days of fast, his heir must fast on his behalf.) (Agreed upon by Al-Bukhari and Muslim).

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Fatwa no. 10907

**Q: my car collided with another car leaving behind five deaths, including a pregnant woman. The age of the fetus is unknown. The Permanent Committee issued a Fatwa no. (9691), dated 2/7/1046 A.H., stating that I have to fast for two consecutive months as expiation for each one of the five persons killed in this accident. Yet, it mentioned nothing concerning the fetus.**

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**I hope you will tell me whether I have to fast as expiation for killing this fetus during the accident. Please, enlighten me as I am confused. May Allah guide you to all that is good!**

**A:** If the reality is as you have mentioned, the mother and the fetus are regarded as one person as long as he died before birth.

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**Fatwa no. 2265**

**Q: One of my relatives had an accident, causing the death of eight people; five men and three women. It was his mistake as he crossed from his lane and hit another car where this family was, causing their death. The victims' Diyah (blood money) was paid and what is left is Allah's right. the person who caused the accident is still young and he is not a good driver. I have tried to make him observe Sawm (Fast) as a Kaffarah (expiation), but many victims are involved in the accident. I, thus, liked to refer this case to you, for he requested me to ask you.**

**A:** If the person specified was pubescent and sane at the time of committing the accident, then he has to make Kaffarah

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for every victim, which is freeing a believing slave. If he finds this beyond his means, he has to observe Sawm for two consecutive months. On the other hand, if he had not reached puberty at the time of the accident, then he does not have to make Kaffarah according to the most correct opinions of scholars. This is because the Prophet (peace be upon him) said: (There are three (persons) whose actions are not recorded: a boy until he reaches puberty, an insane person until he recovers his mind, and a sleeping person until he awakes.) A boy is said to have reached puberty when he completes fifteen years of age, has pubic hair around the frontal genital area, or discharges Maniy (spermatic fluid) out of desire. A girl reaches puberty when one of the three elements takes place in addition to a fourth element, which is menstruation.

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Fatwa no. 13631

Praise be to Allah, Alone and peace and blessings be upon the Last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the query referred to the President of the Committee from S.M. via the judge of the district Khaybar Al-Janub. The query no. (4569), dated 17/8/1410 A.H. was referred to the Committee by the General Secretariat of the Council of Senior Scholars.

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The query stated in the proceedings is as follows:

All Praise is due to Allah Alone. S.M. came to me and said: My minor son M.S. was driving a car when he caused an accident causing the death of his brother and cousin. He asks whether the son has to expiate for the deaths through fasting or not. It is noteworthy that freeing a slave is not affordable.

Having discussed the query, the committee replied as follows: Puberty for boys is indicated by three signs: Reaching the age of fifteen, pubic hair development, and the emission of semen. If the boy, at the time of the accident, had none of the signs of puberty mentioned above, no Kaffarah (expiation) is required.

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Fatwa no. 14502

**Q: When our fourteen year old son wanted to go to**

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**offer Friday Prayer, his younger brother aged one year and ten months wanted to go with him. Their sister prevented him but he kept crying. Upon hearing his cries, the mother told his sister to let him go. He went out from another door and headed towards the back of the car. When his brother was reversing the car, not knowing that his brother was behind it, he ran over him and he died instantly. Patiently, we endured the calamity seeking Allah's reward. Now, should the mother and the brother offer a Kaffarah (expiation) or not? May Allah reward you with the best!**

**A:** Your son does not have to offer a Kaffarah, if he has not reached the age of fifteen unless he is grown enough to discharge seminal fluid with desire whether through a wet dream or so, or has pubic hair. If so, he has to offer expiation, i.e. freeing a Muslim slave. If he is unable to do so, he has to fast for two successive months.

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**Fatwa no. 6761**

**Q: I have a son named (A.M). Four years ago he caused an accident in which a man died. We paid the Diyah (blood money) sum, but at the time my son was still underage and he**



**did not have a driver's license, or even an ID card. Now I am worried for him from this sin. I hope you will guide us if it is obligatory for him to fast for two consecutive months or not. Allah (Glorified and Exalted be He) is my only support then him. He is a young man now, but I am afraid that he may not be able to fast. Please provide me with your opinion on this matter based on Allah's Command. Should he fast or feed the poor? May Allah support you! Note: Please inform me if it is permissible for me to fast on his behalf. May Allah reward you!**

**A:** If at the time of the accident the boy had attained the age of puberty by reaching fifteen years, having nocturnal seminal emmission, or growing of pubic hair, he must offer the Kaffarah (expiation) of involuntary manslaughter which is to free a believing bondsman, and if he cannot he must fast for two consecutive months. However, nothing else can be substituted for this, which also includes your fasting on his behalf if his condition is as you have described. However, if he had not attained the age of puberty at the time of the accident, there is no Kaffarah on him.

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Fatwa no. 10502

**Q: I had an accident in 1402 A.H. two days**

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**before the beginning of Ramadan. My sister was in the car when this happened and she was seven and a half months pregnant. Both of us were injured and hospitalized. The next day, she miscarried the baby. Passengers in the other car involved in the accident were the driver and his father, and the father died immediately. Both cars were at fault according to the police report on the accident, and the judge sentenced me to pay half the Diyah (blood money), which I did. Now I want to know: What is the Kaffarah (expiation) I should make? For how many days should I fast as expiation? Please bear in mind that I suffer from pneumonitis and my case becomes worse when I get thirsty. Peace be upon you!**

**A:** You should pay the Diyah for the deceased, as specified by the judge, as well as the Diyah of the fetus. You also have to make Kaffarah for both of them. the Kaffarah for involuntary manslaughter is manumitting a believing slave, and if this is not available, you have to fast for two successive months for each person who died due to your mistake. Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ up to: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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**Fatwa no. 20971**

**Q: Twenty-two years ago, I went with my husband and some of my children to perform Hajj while I was in my fourth month of pregnancy. On the night of `Arafah (9th of Dhul-Hijjah) when we were carrying our heavy luggage, I felt some pain in my stomach. On that same night, I miscarried and I buried the fetus without washing it or offering the Funeral Prayer for it. This was towards the end of the fourth month of pregnancy. I have been bleeding since the month of Dhul-Qa`dah. after the miscarriage, I had postpartum bleeding until the end of Hajj. I would like to ask: Am I to blame for the miscarriage? Please bear in mind that I did not wash the fetus or offer the Funeral Prayer for it. I did not tell anyone about it, since it was not intentional. Is my Hajj valid? I performed all the rituals of Hajj while having the postpartum bleeding, even Tawaf-ul-Ifadah (final obligatory circumambulation around the Ka`bah in Hajj). I did not have enough knowledge**

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**about these matters at that time. Please enlighten me. May Allah reward you well!**

**A:** If the reality is as you mentioned, that you did not complete the fourth month of pregnancy, there will be no Kaffarah (expiation) due on you for the miscarriage, as the soul is not breathed in the fetus at that time. Based on this, the fetus should not be named or washed and the Funeral Prayer should not be offered for it. However, you bear the sin of causing the miscarriage and you have to perform Tawbah (repentance to Allah), seek Allah's Forgiveness and never do a similar act in the future.

Concerning your Hajj, if you are offering Ifrad Hajj (performing Hajj only) or Qiran Hajj (combining Hajj and `Umrah simultaneously) and you have performed Sa`y (going between Safa and Marwah during Hajj) along with Tawaf-ul-Qudum (circumambulation around the Ka`bah on arrival in Makkah), you are only required to perform Tawaf (circumambulation around the Ka`bah) for Hajj. Therefore, you should return to Makkah and perform Tawaf intending it to be for Hajj. Yet if you have not performed Sa`y along with Tawaf-ul-Qudum or you are performing Tamattu` Hajj (combining Hajj and `Umrah with a break in between), you are required to return to Makkah and perform Tawaf intending it to be Tawaf-ul-Ifadah and you should perform Sa`y after it. Taharah (ritual purification) is one of the prerequisites of performing Tawaf, and the previous Tawaf you offered while having the postpartum bleeding does not suffice. Moreover, if your husband has had sexual intercourse with you before you have made up for the Tawaf for Hajj, you are required to sacrifice a sheep and this will be sufficient for you. The sheep should be slaughtered in Makkah and distributed among its poor people because having sexual intercourse with your husband is one of the prohibitions of Ihram (ritual state for Hajj and `Umrah) before the second Tahalul (removal of the ritual state for Hajj). Upon leaving Makkah, you should offer Tawaf-ul-Wada` (circumambulation around the Ka`bah on leaving Makkah).

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**The first question of Fatwa no. 16451**

**Q 1: My brother had an accident, and a man was killed as a result. My brother has to fast as expiation. Is it permissible for me to share the days of fasting with him, since he has things to do?**

**A:** It is not permissible for you to help your brother or any other person in making Kaffarah (expiation) for involuntary manslaughter, as it is not permissible to fast on behalf of the living.

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**is there Kaffarah (expiation) for killing a robber? Fatwa no. 12026**

**Q: One night, a group of people got out of prison to commit a robbery in town. They broke down the door of my home, while I was sleeping with my children.**

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**They entered my room to steal my belongings. I woke up and took hold of my gun and shot at them to frighten them away. One of them was hit and died. I hope you would guide me concerning the Kaffarah I have to offer. I am extremely frightened as I do not want to commit any act against Islam and Shari`ah (Islamic law).**

**A:** If the case is as you have mentioned, there is nothing due on you, for you are the wronged one; defending yourself and your property.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions.

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Fatwa no. 8423

**Q: I am a coast guard in Saudi Arabia. One day, a smuggler wanted to bring some prohibited things into the country, so I fought with him. We fought hand to hand, and he tried to take the gun from me. He called for the help of his accomplices who were in a boat in the sea, so they started to shoot me while I was trying to kill him**

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**and he was trying to take the gun from me. When he threw me on the ground, and I saw that he will eventually overcome me, I took a dagger that I had and I stabbed him, so he died. I left him, and his accomplices carried him to the boat. Many years later, one of his accomplices told me that the man had died from this stab. What should I do in this case?**

**I do not know him to pay the Diyah (blood money), as he is not a Saudi man.**

**Do I have to pay Kaffarah (expiation)?**

**I am confused about it. Whenever I remember this, I weep. Please advise, may Allah reward you.**

**A:** If the situation is as you mentioned, and that you could not have avoided his harm otherwise, you do not have to pay either Diyah or Kaffarah, as he is considered an aggressor, and he forced you to kill him. Thus, his blood is worthless. Allah has also asked us to preserve our souls in His saying, ﴿and do not throw yourselves into destruction (by not spending your wealth in the Cause of Allâh)﴾ (Surah Al-Baqarah, 2: 195). It was also narrated in Sahih Muslim and others, on the authority of Abu Hurayrah (may Allah be pleased with him) that he said, ﴾A man asked the Messenger of Allah (peace be upon him), "What should I do if a person attacks me to take my money?" He (peace be upon him) said,

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"Do not give him (your money)." The man said, "What if he fights with me?" He (peace be upon him) said, "Fight him back." The man said, "What if he kills me?" He (peace be upon him) said, "You will be a martyr." The man said, "What if I kill him?" He (peace be upon him) said, "He will be in Hellfire."﴿

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 8354

**Q: While I was driving my car at average speed, I hit a man who suddenly stood in front of my car. The man died twelve hours after the accident and I gave Diyah (blood money) to his family. I asked about observing Sawm (fast) as Kaffarah (expiation), and some scholars said that it is not obligatory while others made it obligatory. Please, advise me in this regard.**

**A:** It is obligatory on a person who killed, by mistake, a Muslim, a Dhimmy (protected non-Muslim living under Islamic rule) or one who is given protection by Muslim authorities, to pay the Diyah and make expiation, which is freeing one believing slave. If he does not find one, he must fast for two successive months.



Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family, unless they remit it.﴿ to His saying: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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**Second question of Fatwa no. 17492**

**Q 2: Will it be Wajib (obligatory) on a Muslim to make a Kaffarah (expiation) if they commit a manslaughter of a Christian?**

**A:** If a Muslim commits a manslaughter of a Musta'man (non-Muslim with a peace agreement permitting them to enter and stay temporarily in a Muslim country), for instance in a car accident; it will be Wajib on the Muslim to make a Kaffarah for such a doing. A proof for the foregoing is the Ayah (Qur'anic verse) in which Allah (Exalted be He) says: (and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood-money - Diya) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.)

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It is also because such a Christian, who has been killed wrongly, is a human being whose soul has to be preserved just as the case with Muslims.

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**Fatwa no. 15507**

**Q: I had a car accident which resulted in the death of a person in the car I hit. It was Allah's Decree (Exalted be He) that I would be responsible for the accident. Since I have a large family, I could not observe Sawm (fast), rather I decided to free a bondsman. A benefactor has offered to pay the cost of this emancipation on my behalf. Based on this, I ask Allah that you provide me with a Fatwa on the permissibility of taking money from another person to do so.**

**A:** If a benefactor pays the due value of freeing a bondsman on your behalf, you may buy the bondsman and set him free, and this is permissible.

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Fatwa no. 14558

**Q: While I was busy in the kitchen, my eleven-month daughter was with her eight-year old sister sitting by the fire and I was six meters away from them. Unfortunately, the baby fell into the fire. She then was taken to the hospital where she breathed her last after 11 days. Some people said I have to fast as a Kaffarah (expiation) for her death. Others said I do not have to. Please, advise. May Allah reward you with the best!**

**A:** You have to offer a Kaffarah for accidental killing; because you were negligent in leaving the baby so close to the fire. A Kaffarah is to set free a Muslim slave. If you do not find slaves, you have to fast two successive months.

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(Part No. 21; Page No. 348)

**Fatwa no. 14576**

**Q: A woman got married, gave birth to a child, and his grandmother placed him in one corner of the house. She left the baby in a secure place without covering his head or taking any necessary action, though she was uneasy about this bad location. After three or four hours, she found the baby dead. What is incumbent upon the grandmother regarding the baby, knowing that she was not aware that this was bad, and she is not in good health due to asthma, and she is around seventy years old. This incident took place twenty years ago. Allah's Peace be upon our master, Muhammad, his family and Companions. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**A:** diyah (blood money) and expiation are obligatory on the grandmother, and she must repent to Allah (Glorified and Exalted be He), because she left the baby in a place and neglected him, which lead to his death.

May Allah grant us success. May peace and blessings be upon our Prophet, his family, and Companions.

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**Fatwa no. ( 14296 )**

**Q: May Allah reward you with the best! Allah predestined that my father had an accident while driving his car, which resulted in the death of one person in the car that my father collided with. As for my father, he broke his leg and remained in the hospital for two months before meeting his Lord. My question, may Allah reward you with the best and have mercy upon your parents, is: Should my father have observed fasting or not? If he was obliged to observe fasting, is it permissible for one of his children to make up for this fasting or pay a Kaffarah (expiation) on his behalf?**

**A:** If it was your father who caused the accident or was a participant in it, it is obligatory for him to offer a Kaffarah (expiation) for involuntary manslaughter, which is emancipating a believing soul. If he cannot afford this, he should fast for two consecutive months. In this case, it is Mustahab (desirable) that one of his heirs should observe fasting on his behalf because it is authentically proven that the Prophet (peace be upon him) said: (If anyone dies in a state (that he had to complete) some days of fast, his heir must fast on his behalf.)

May Allah grant us success and may Allah send blessings and peace upon our Prophet Muhammad and his family and Companions!

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**Fatwa no. 14518**

**Q: my wife died leaving behind a two-month old baby.**

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**I spared no effort in looking after him. I bought baby-milk from the market to feed the baby, but he did not accept it. The baby then suffered a disease causing his belly to swell. Two or three days later, he died. Am I sinful for this?**

**A:** If the reality is as you have mentioned, it is safer to free a slave, as you did not consult the doctor concerning the milk that suits the baby. If you are unable to do so, you are to fast for two consecutive months.

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**Fatwa no. 14654**

**Q: While traveling from my town Bashut of Shimran to Bisha accompanying my sons, daughter, and my daughter's children, we had an accident but it was not my fault. I was the driver and did not exceed the speed of 80 km/h. The accident resulted in some injuries and the death of my daughter's daughter. It should be noted that we had taken her to the hospital while she was still alive. I would like to know from your Eminence if I have to offer a Kaffarah.**

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**A:** If the reality is as mentioned, you have to offer a kaffarah and pay Diyah (blood money). The Kaffarah is freeing a Muslim slave. If you do not find slaves, you have to fast two successive months.

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Fatwa no. 14668

**Q: I went with my family to Makkah Al-Mukarramah to make `Umrah (lesser pilgrimage). This was on the Thursday corresponding to 07/08/1411 A. H. All praise be to Allah Alone, we stayed for some days by Baytullah (the Ka`bah). We then started our way back from Makkah Al-Mukarramah to Abha city. I was suddenly overtaken by sleep so the car moved in the wrong direction and, though I tried to avoid the accident, we all fell off a high location into the valley. Consequently, my wife along with two of my daughters died. May Allah, the Most High, the Omnipotent be merciful with them and let them dwell in His spacious Jannah (Paradise) for verily He (Allah) is the All-Hearing, the One Who responds to the Du`a's (supplications) of His slaves.**

**I hope that your Eminence will read my letter and then submit it to His Eminence Shaykh Abdul Aziz ibn Abdullah ibn Baz to issue a Fatwa for me. It is worth mentioning that I can not afford to free a slave and I can not observe successive Sawm (Fast). Truly! To Allah we belong and truly, to Him we shall return.**

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**Peace and blessings be upon our Prophet, the trustworthy, and his family and Companions.**

**A:** It is Wajib (obligatory) on you to make the Kaffarah (expiation) of involuntary manslaughter for every one of those who died in the concerned accident. However, Kaffarah is to free a believing slave or, if you are not able to do so, to observe Sawm (Fast) for two successive months whenever you can do so. You may have a break between every two months to get some rest.

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**Fatwa no 14667**

**Q: My father has to offer a Kaffarah (expiation) for involuntary manslaughter but he can neither free a Muslim slave nor fast two successive months because of his old age and illness. Is there an alternative way for him to offer Kaffarah? May Allah reward and protect you! Peace, Mercy, and Blessings of Allah be with you!**

**A:** If your father is neither able to free a Muslim slave due to his poverty nor to fast due to his illness, he will be held responsible for the Kaffarah of involuntary manslaughter until he can afford it when Allah grants him recovery.

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**Fatwa no. 14081**

**Q: In 9/11/1410 A.H., I had an accident while I was driving my car with my children as a result of a fault in the steering wheel. Also, the road was sloping downwards with a turn. I tried my best to brake, but the accident took place and one of my daughters died. Am I obliged to observe Sawm (fast)? May Allah protect you!**

**A:** It is obligatory on you to offer the Kaffarah (expiation) because you neglected checking your car before driving. Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family unless they remit it. If the deceased belonged to a people at war with you and he was a believer, the freeing of a believing slave (is prescribed); and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood-money - Diya) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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**Fatwa no. 14489**

**Q: While I was driving my friend in my car, I had a road accident causing his death. The urgent verdict given by the court of Baridah district stated, as shown in the enclosed document, that twenty-five percent of Diyah (blood money) of the deceased must be paid by me, and seventy-five percent must be paid by my tribe. I have already paid twenty five thousand Riyal to the deceased's heirs, and there is no problem with them. I ask for your fatwa:**

**What should I do instead of fasting, as I am unable to fast due to the nature of my work. May I free a slave instead of fasting for two months? May Allah, the Most High, the All-Powerful, grant you success,**

**and reward you the best!**

**A:** You have to offer Kaffarah (expiation) of involuntary manslaughter as you share the responsibility for the death of your friend. The Kaffarah is to free a believing slave, and if you can not afford this, you have to fast for two consecutive months.

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May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 14484

Q: Please find enclosed the question to which I seek Your Eminence's answer. May Allah reward you!

First: I was doing some short errands with my father, which he had asked me to do. At around 7:00 pm, Allah willed that the car should overturn with me and him inside. My father died and I survived, by the Grace of Allah. I was driving the car, but I was well both mentally and physically and there was nothing wrong with the car, everything had been checked and it was a very new one. I was driving at a around 80 km/h. Allah had willed that we should come across something that had fallen on the road from another car, I swerved to avoid it and found another car in front of me. I tried to turn around in the road to avoid the other car, and hit something and the car was thrown across the road and turned over to the right and the left. My father died in the accident (may Allah be merciful to him and to all dead Muslims).

(Part No. 21; Page No. 356)

Some people said to me that I was the cause of my father's death, as I was the driver. I observed Sawm (Fasting) at once and I am still continuing the Sawm for the two months that have been ordained. Please advise me on this matter and may Allah reward you with the best! Do I have to do anything else other than Sawm or does the Sawm suffice. I am confused about this and complain to Allah, Lord of the worlds. May Allah keep you and reward you well!

A: It is obligatory on you to offer the Kaffarah (expiation) for involuntary manslaughter for being the cause of your father's death. You should, therefore, free a believing slave, and, if you cannot find one, you have to observe Sawm for two consecutive months. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 13918

**Q: I was parking my car next to the house of a friend of mine. The car moved and ran over a one and half year old baby. The family of the victim waived their claim, but I was sentenced to one month in prison because of the traffic accident report. It is worth mentioning that I sincerely apologized and regretted what I did; and Allah knows that. However, I fear guilt and hope you will advise me about what I should do. Should I observe Sawm (Fast) or give Sadaqah (voluntary charity) to get rid of this guilt, which will befall me by Allah (Glorified be He)? I, thus,**

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**hope your Eminence would refer my question to the Mufti (Islamic scholar qualified to issue legal opinions) of Saudi Arabia to act according to his orders. I am waiting for your answer. May Allah guide you to what is good and protect you!**

**A:** You are required to offer Kaffarah (expiation), because you caused the death of the baby girl out of neglecting to moor your car. The Kaffarah is freeing one believing slave; and if this is beyond your means, you must fast for two consecutive months.

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Fatwa no. 14249

**Q: It was destined for my brother to have a car accident. He was the driver and his car crashed into another car. The traffic accident report showed that the fault percentage on the part of both drivers was shared by half. One of my brother's friends was in the car and he died immediately. We hope that your Eminence will give the ruling on this matter; should the Diyah (blood money) be divided between my brother and the other driver as well as Sawm (Fast)? How many days should they observe Sawm for? And which one of them should observe it? We are waiting for an answer as soon as possible.**



**May Allah reward you with the best reward for benefiting the Muslims!**

**A:** Diyah should be settled by court, which estimates its value and explains who should pay it. Regarding kaffarah (expiation), your brother and the other driver each has to make Kaffarah, which is freeing a believing slave. He who finds this beyond his means must observe Sawm for two consecutive months, that is, sixty days. This is because they were the reason for the death of a Muslim. Allah (Exalted be He) says: ﴾It is not for a believer to kill a believer except (that it be) by mistake; and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family unless they remit it. If the deceased belonged to a people at war with you and he was a believer, the freeing of a believing slave (is prescribed); and if he belonged to a people with whom you have a treaty of mutual alliance, compensation (blood-money - Diya) must be paid to his family, and a believing slave must be freed. And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

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**Fatwa no. 14221**

**Q: It was predestined that my son would kill a person and we were obligated to pay the Diyah (blood money) because he is still underage. He is thirteen years, five months, and twenty days old. His Honor Chief Justice of `Asir Courts has sentenced him to free a bondsman or to offer Sawm for two consecutive months as stated in the Qur'an. However, because I suffer from high blood pressure and diabetes that hinder me from fasting all the month of Ramadan, I only fast every other day. I ask Allah that you provide me with a Fatwa (legal opinion issued by a qualified scholar) on this matter, as I am required to fast. It should be mentioned that I cannot afford paying the value of freeing a bondsman.**

**A:** There is no Kaffarah (expiation) on you. Similarly, if your son has not experienced any of the characteristics of puberty such as discharging of semen, growing of rough pubic hair, he is neither accountable nor obliged to pay Kaffarah. In this case the Diyah is to be paid by his family. May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**The third question of Fatwa no. 14266**

**Q3: In the year 1397 A.H. I was going out to hunt with a shotgun.**

(Part No. 21; Page No. 360)

**When I returned home, I found my sons, daughters, and brother's children welcoming me. I gave the shotgun to the eldest of my brother's daughters with one bullet left in it. While I was talking with a visitor on that day, my brother's daughter aimed the shotgun at my daughter's head and shot her and she died. Now, do I have to fast or pay Diyah (blood money) to be free of liability? I appreciate your advice. May Allah reward you best!**

**A:** If the girl that you gave the shotgun to had reached the age of puberty at the time when she took the shot, being fifteen years of age, menstruating, or having pubic hair she has to make a Kaffarah (expiation) that is freeing a believing slave. If she can not find slaves, she has to fast for two successive months. However, if she did not reach the age of puberty, it is you who has to offer the Kaffarah; because you were negligent in leaving the shotgun loaded with a bullet with a child. As regards the Diyah (blood money), it is better to resort to the court if you are demanding a Diyah.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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Fatwa no. 21265

**Q: Around twenty four years ago, I was in the ninth month of pregnancy. As you know at that time women used to do a lot of house work. As I was leveling a heap of dust in one of the rooms in my home, being tired of the mess that my other three children were making, I gently hit my belly with the shovel's handle by mistake. Then my pregnancy continued for one more week during which I did not feel the fetus making any movement. Finally, I gave birth to a dead baby girl whose head was deformed, but I did not know whether such deformation was the result of the slight hit by the shovel's handle or a congenital one. What do I have to do? Please provide me with your beneficial answer. May Allah reward you.**

**It may be worth mentioning that I am a diabetic old lady and I had a surgery on my chest. However, a specific date was decided for redoing the surgery but I delayed it because I needed to know first whether I have to make a certain Kaffarah (expiation) or not. On the other hand, please tell me how I can free a slave for I would like to do so if a Kaffarah has to be offered. May Allah reward you with the best.**

**A:** It is Wajib (obligatory) on the concerned lady to offer the Kaffarah because she caused the death of the baby. the Kaffarah of involuntary manslaughter is to free a believing slave or, if that person is unable to do, to observe Sawm (Fast) for two successive months, i.e. sixty days. If the lady in question is unable to offer the Kaffarah, she will be responsible to offer it once she is able to do so.



May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

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**Fatwa no. 21207**

**Q: About thirty years ago, my mother fell into a deep sleep while breastfeeding my one-month old sister who suffocated and died. What should my mother do? May Allah grant you success!**

**A:** If the reality is as you have mentioned, your mother has to offer the Kaffarah (expiation) of involuntary manslaughter as she caused the baby's death. The Kaffarah is to free a believing slave. If she can not afford this, she has to fast for two consecutive months (sixty days).

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**Fatwa no. 21187**

**Q: A girl suffered from a type of fever that remained with her for a long time, and her mother gave up hope that she would find a cure. One day, a woman advised the mother to give her daughter a gulp of kerosene, claiming that it would help to cure the disease. The mother handed her daughter a cup of kerosene and the daughter drank it, then died within minutes. She says that she did not think that kerosene might harm her or cause her death. She only heard about some children who drank kerosene by mistake, and it harmed some of them and caused their death. Thus, she doubted that the kerosene, which she gave her daughter, may be the reason behind her daughter's death. Does she incur a sin or Kaffarah (expiation)? This happened thirty years ago and the mother is now very old. I hope you will give me a fatwa for this case. I ask Allah to bless you and protect you. As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!)**

**A:** If the case as is mentioned above, the mother of the daughter must make kaffarah



for involuntary manslaughter, since she is the reason behind her death. That is because kerosene is a harmful and flammable substance, not a medicine for diseases as she was informed. Thus, she must repent to Allah (Exalted be He) and seek His forgiveness for this action, and not do it again in the future. The Kaffarah assigned to involuntary manslaughter is freeing one believing slave. If she does not find one or cannot afford it, she must fast two consecutive months.

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Fatwa no. 21363

**Q: My three-year old son was inflicted with a disease and taken to hospital by his father and aunt. I was not with them. Then, he was given medicine; a solution taken when necessary. As I was unaware of the dosage and his father and aunt did not know for certain how the medicine should be given, I placed all the powder in the milk bottle. Perhaps, the solution was concentrated and that might be the reason why the child's condition worsened. He was taken to the hospital once more and died there afterwards.**

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**I do not know if this is the reason for his death or if there is another reason. Now, do I, his father, and aunt have to make a Kaffarah (expiation)? If so, what is the Kaffarah? It should be noted that this happened fifteen years ago. May Allah reward you best!**

**A:** If the child died because of the reason you mentioned, that you gave him an incorrect dose of medicine, you have to make Kaffarah. That is done by setting free a Muslim slave. If you are unable to do so, you have to fast two successive months as a Kaffarah of involuntary manslaughter.

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Fatwa no. 21357

**Q: A woman experienced a breech birth, where the child's legs came out before its head. The woman then cut the umbilical cord without tying it while the baby's head was still inside. When it was born it was still alive, but died a few moments later. She is now asking whether or not she must offer Kaffarah (expiation). The accident took place forty years ago. What should she do, since she is an old woman and cannot offer Kaffarah? May Allah reward you!**

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**A:** If the baby died as a result of what you have mentioned, which is cutting the umbilical cord without tying it, the woman who did this should offer a Kaffarah (expiation) of unintentional homicide. She must free a bondsman, and if she finds none, she must fast for two consecutive months.

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Fatwa no. 20928

**Q: Twenty-five years ago, my mother-in-law went out to bring water from the well leaving her one-year-old daughter alone. When she returned, she found that the child had fallen into a water container and had died. In the past, people did not have many rooms, and so they kept all their belongings and water in the same place. The question is: Does the mother bear any sin? Is she required to make Kaffarah (expiation)?**

**A:** If this woman had left the girl near the water container which was not covered and there was nothing to prevent the girl from falling into it, the mother must make kaffarah for involuntary manslaughter. To do this, she must manumit a believing salve and if this is not available, she must fast for two successive months (60 days), as she is considered to have caused the girl's death.

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Fatwa no. 20892

**Q: One day, I went to bring water from the well with my small pickup. I had my two sons with me and they were 8 and 5 and half years old. When I arrived, I parked 2 meters away from the well and went down to start the engine that pumps the water up. The boys left the pickup and went to play and this is what usually happens when we go there. After filling the pickup with water, I found one of the boys carrying a branch and standing above the car. Then I went down to bring the engine to put it in the car. While I was down, I heard the sound of the pickup moving and hurried up but I could not do anything. The pickup was moving until it fell in the well with the two boys inside, and they both drowned. It is Allah Whose help can be sought. Should I make Kaffarah (expiation) for leaving the keys in the car? Bear in mind that I have tried to make sure that the car is geared, but I was not near when everything happened. This is the predestination of Allah.**

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**Am I required to pay Diyah (blood money) to the boys' mother, if asked to?**

**A:** You have to make kaffarah for the involuntary manslaughter. It is to manumit a believing slave for each of the boys who died in the accident, and if this is not available, you have to fast for two successive months (60 days) for each boy. This is because you were negligent in leaving the keys in the car and in forgetting to close its doors. On the other hand, the payment of Diyah is a matter decided by courts.

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Fatwa no. 20992

**Q 1: Around 19 years ago, I had a daughter, who was then one or one-and-a-half years old and she was ill. Her older sister put fuel in the lantern, and there was some left over in the container. The little girl found it and drank it - although I am not really sure whether she did drink it or not, but she did have traces of fuel on her clothes. Two or three days later this little girl died. The doctor who examined her said that her liver was burnt.**



**Am I or my daughter sinful or not? What should we do if we are?**

**A:** If it is confirmed that your daughter died due to drinking the fuel, and if her sister was Mukallaf (a person meeting the conditions to be held legally accountable for their actions) at that time, she has to offer Kaffarah (expiation) for involuntary manslaughter for leaving the fuel container in the reach of her young sister. The Kaffarah is to free a believing slave; if she cannot find or afford one, she has to observe Sawm (Fasting) for two full consecutive months. She also has to make Tawbah (repentance to Allah) for this. If she was not Mukallaf at the time, there is no Kaffarah due from her.

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**Q 2: I had another baby. I do not remember what her age was when she was carried by her elder sister. It seems that she did not carry her in the right way. When I took her to the doctor, he told me that she had suffocated. She lived for another day, and then she died. Is her sister who carried her sinful,**

**given that she was about eight years old at that time? Am I considered sinful as well? If so, how can I expiate for my sin? Please advise, may Allah reward you.**

**A:** This baby's sister does not have to pay kaffarah (expiation) for her sister's death, as she was underage at that time, so she is not considered sinful. Her parents are not considered sinful either; they do not have to pay Kaffarah for the death of

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the baby, as they did not cause it.

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**Fatwa no. 21098**

**Q: My mother lives in the desert. One day she tied her one-year old daughter in the tent fearing that the fire may cause her harm. Afterwards, my mother went to feed the sheep. Half an hour later, she saw the house on fire, but it wasn't a big fire. It should be noted that my sister died as a result of this fire. My mother said that there was no one with my sister at the time when the fire started.**

**My question is: does my mother have to do anything? I appreciate your advice!**

**A:** If the reality is as mentioned, your mother has to offer the kaffarah for involuntary manslaughter. She has to free a Muslim slave. If she is unable to do so, she has to fast two successive months; because she caused the death of her child by tying her with a rope which prevented her from escaping the fire.

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Fatwa no. 21083

**Q 1: I had a baby shortly after my marriage. A week after giving birth, I lit the kiln. A few hours later, my baby changed color. He stayed like this for a day and a half, and then he died. People claimed then that I am the one responsible for his death, given that he was not touched by fire. However, it is claimed that if a woman in her postpartum period lights a fire, it harms her baby. It is a common belief in our country.**

**A:** If the baby died because of the smoke of the fire you lit, as he was in the same place of the fire, you have to pay kaffarah (expiation), as you are responsible for his death. Kaffarah in this case is emancipating a believing slave. If you cannot do so, you have to observe Sawm (fasting) for two consecutive months. As for the common belief that lighting a fire harms the baby, this belief is groundless.

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**Q 2: I had a toothache when I was in the fourth month of my pregnancy. I went to the doctor who asked me if I was pregnant and I answered in the negative**

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**because I wanted him to pull out my tooth due to the severe pain. One month later after pulling out the tooth, I had a miscarriage. Am I sinful in this case? Am I the reason behind the miscarriage? Please, advise. May Allah reward you and benefit Muslims from your knowledge!**

**A:** As you hid your pregnancy from the doctor and miscarriage took place after the completion of the fourth month and the breathing of the soul into the fetus, you must offer a Kaffarah (expiation) assigned to involuntary manslaughter, which is freeing one believing slave. If there are none available, you must fast two consecutive months and repent to Allah from that action.

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Fatwa no. 20724

**Q: A sister in Islam asks about a baby she had, who died 20 years ago. A week before his death, he became ill. On the day he died, his mother had breastfed him and put him in his cot and covered him with his usual blanket. She came back after a while and lifted his blanket to find him gasping with saliva coming out of his mouth. He then breathed his last. She has doubts as to whether she contributed to his death by covering him with a thick blanket.**

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**She would like to know the Islamic ruling on this in light of the following remarks:**

**1. The blanket was thick, but it was his usual cover, and that of his brothers as well when they were in his age and it is usually used by the old Bedouins.**

**2. The baby had been ill the week before his death.**

**3. If she has to offer Kaffarah (expiation) for this, what is it? And what should she do if she cannot free a believing slave, due to lack of means or observe Sawm (Fasting) due to an illness or a continuing reason that breaks Sawm and Salah (Prayer)?**

**A:** If the blanket that his mother used covered his face, she must offer Kaffarah for involuntary manslaughter, because this appears to have been the cause of the baby's death. The Kaffarah is to free a believing slave and if she is unable to do that, she must perform Sawm for two consecutive months, i.e. 60 sixty days. If she is ill now, she must perform the Sawm when she recovers from her illness.

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**Fatwa no. 20753**

**Q: A man was returning home from the market while riding a lorry that carried fodder for the sheep. When he returned home, his three children came out to greet him, the eldest of whom is five years old, and the youngest is two years old. He told them to move away from the car so that he could park it. However, the youngest son did not move, but the man thought he did, so he moved the car twenty meters forward, then to the right, and then he moved a little distance backwards. A man then shouted saying that the car had hit the young child. The man got off the car, and he saw that the child was thrown on his face; the car had run over his head and neck, and his nose was bleeding. He remained in this state for ten hours, and then he died. The man thought that the boy had gone home with his brothers, and he was not driving the car quickly. He is now anguished and he would like to know the ruling on this tragic case, and whether he has to pay Kaffarah (expiation) or other obligations?**

**A:** If the situation is as you mentioned, that man has to pay Kaffarah, which is emancipating a believing slave.

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If he cannot do that, he has to observe Sawm (fasting) for two consecutive months, as this is considered accidental killing.

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Fatwa no. 20774

**Q: My mother is old but she listens to many Fatwas of many shaykhs through the radio broadcasts. She told me that she gave birth to a son and she used to breastfeed him while she was in the postpartum period. Due to the severity of her pain it happened that she covered herself and that baby boy with one blanket. When she woke up and wanted to feed her baby, she discovered that he had died. Is it Wajib (obligatory) on her to make a Kaffarah (expiation) for this or not? May Allah reward you with the best.**

**A:** If the concerned baby died because his mother put a blanket over his face, it is Wajib on her to make kaffarah for this. Such a Kaffarah is to free a believing slave or, if she is unable to do so, she should fast for two successive months, i.e. sixty days. However, if the lady in question did not put the blanket on the baby's face; no Kaffarah is Wajib on her because she did not cause his death.

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Fatwa no. 20474

**Q: A woman slept in her bed beside her little daughter. While sleeping, her elder daughter came to sleep between her and her younger sister. The little girl moved to the end of the bed under a thick cover, as it was very cold, and subsequently she died. The woman is now over seventy. She did not know the ruling on this before and now she is unable to fast. She asks what should she do?**

**A:** If the case is as mentioned, that this girl was moved under the heavy cover to the end of the bed and died, and that the mother was not the one who covered her, there is neither a sin nor a Kaffarah (expiation) upon her for the death of the little girl. It was not proven that she was the one responsible for her death. The general rule is that a person is innocent until proven otherwise.

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Fatwa no. 20486

**Q: Two years ago, a woman had a daughter who was around seven months old. While asleep, and breast-feeding her baby at four o'clock a.m., the mother discovered that her baby had died. Moreover, she found a blood stain on her breast due to the child's vomit. When they went to the hospital, the doctor said that the baby vomited then choked on her vomit, and was not given help. Is it obligatory for the mother to offer Kaffarah (expiation)?**

**A:** If the reality is as mentioned, the mother is obliged to offer the Kaffarah of involuntary manslaughter, since she was responsible for the death of her child by putting her breast into her mouth as described. The Kaffarah in this case is to free a believing bondsman, and if she cannot, she must fast for two consecutive months.

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**Fatwa no. 20460**

**Q: One night my wife covered our seven month old son to protect him from the cold. The baby was unable to breathe and died. My wife, of course, did not intend to harm her beloved baby in any way. Is it Wajib (obligatory) on my wife to offer a Kaffarah (expiation)? If so, what should she do with her menses if she has to offer a Kaffarah by observing Sawm (Fast)?**

**A:** If your wife put the cover on the baby's face and he died because he was suffocated, it is Wajib on her to offer a kaffarah. Such a Kaffarah is to free a believing slave or, if she is unable to do so, she should observe Sawm for two successive months, i.e. sixty days. However, if your wife did not put the cover on the concerned baby's face; no Kaffarah has to be made by her because she did not cause his death.

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Fatwa No. ( 20396 )

**Q: I am S.M.M. I was on my way from the city of**

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**Khamis Mishit to my village in Al-Far`ayn. While in the middle of the way, the traffic light was green and in front of me there was a car which I thought to be moving as the traffic light was green. Suddenly, my car crashed into the other car. After the accident, I took home my family and those who were with, then I finished traffic procedures and returned to find my young girl unwell. I took her to the hospital that night but she died on the next day (may Allah be Merciful with her) when she was four months old. I would like to inform Your Eminence that she was ill before the accident, suffering from head and body bone crispness and thus her bones were easily broken. Your Eminence, I would like to also inform you that I suffer from a psychological disease, i.e. grief and worry, and, therefore, have been taking tranquilizers from the psychological health hospital in Abha for ten years now. Is there a way out for me, Your Eminence? Can I escape fasting for two consecutive months or freeing a slave? May Allah guide Your Eminence to serve Islam and Muslims! Best regards!**

**A:** If it is proven that your daughter died because of the accident, or because it doubled the pains she had before, which led to her death, you will be liable to the Kaffarah (expiation) of accidental killing, i.e. freeing a Muslim slave or, if not feasible,

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fasting for two consecutive months or sixty days. However, if both are not feasible, you will remain liable to one of them until you have the ability to free a slave or fast. This is because you caused the death of your daughter as you did not make sure whether the car in front of you was actually moving or not, which led you to crash into that car.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. ( 20297 )

Q: Praise be to Allah, and may peace and blessings be upon the most honorable Messenger and Prophet, Muhammad, his family and Companions. My elderly mother is over 60 years old now. Thirty years ago, when there were no hospitals or means of transportation, my mother would perform all hard tasks herself, such as shepherding, farming and bringing wood from near and remote places, in addition to domestic activities and bringing up children. One year, while she was pregnant, she went to bring some wood from relatively remote places. Due to failing to carry the wood on

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her back, she put her knees gently on her belly to help herself get up carrying the wood. While getting down from a height, she fell down dropping the wood, but then she tried to fasten it to her back so that it might not fall. At that time, a pregnant woman had to provide all home requirements such as wood, water and the like before giving birth so that such things would be available by the time she gives birth. On that night, and after sunset, she felt throes of child-birth, and there were guests at home whom she served dinner and coffee, while moaning in a low voice so as not to be heard by the guests. At that time, houses were very small and of closely adjacent rooms, and therefore guests would hear her if she cried out loud. Moreover, her husband asked her not to cry out loudly. After dinner, guests slept and she got up moaning in a low voice and tossing and turning right, left, on her back and on her belly. On feeling throes of child-birth, she would stick her belly to the ground out of severe pains so that she might not cry out loudly. She remained as such till the Adhan (call to Prayer) of Fajr (Dawn) Salah was announced. However, the nine-month-old fetus came out dead with blood flowing out of its mouth. In fact, she always says that Allah knows how much she felt sorrow for it. My question is: Is she sinful? She also says that Allah knows that she did not want to kill it or get rid of it but it was Allah's will that was dominant. Therefore, I hope

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that you give me a fatwa on the issue.

A: This woman is liable to the Kaffarah (expiation) of accidental killing as she caused her fetus to die. The Kaffarah of accidental killing entails freeing a Muslim slave or, if this is not feasible, fasting for two consecutive months in order to expiate for her sin and be free from accountability.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa No. ( 20289 )

**Q: We have a 9-outstreched-arms deep buried underground room, where the top became the same level as the ground. There is a stairway leading down to it. The room was originally dedicated for a water pump machine. We later dug a new well and took the machine from the buried room and we placed it on the new well, and decided to pull down that room. One day, I brought a lever in order to help me recognize the room's location so that I might bury it. There was a wreckage plain there which caused me to dig until I reached the room. My father was then standing in the back but moved and sat in front of me on the wreckage. I struck once with the lever when my father ordered me to leave as the engineer had arrived. I then said to him, "I will do In sha'a-Allah (if Allah wills)," while intending to strike it once**



**and then leave. However, my strike caused its wooden ceiling to collapse, as it was weak due to the woodworms that ate it. My father who was on the wreckage fell along with the ceiling into the room. We got him out and took him to the hospital where he died a week later. Am I sinful regarding my father? Answer me, may Allah reward you well!**

**A:** If the reality is as you have mentioned, you will be liable to the Kaffarah (expiation) of accidental killing as you caused your father's death. Actually, he fell down into the deep room because you struck its ceiling. Moreover, the wreckage plain your father was sitting on collapsed and fell down into the room as a result. The Kaffarah is to free a Muslim slave or, if this is not feasible, to fast for two consecutive months, i.e. sixty days, for causing accidental killing.

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Fatwa No. ( 20246 )

Q: In 1349, while I was a soldier in the (..) forces in

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(..), I drove an armed vehicle and entered into a crowded street where a man was walking on foot in the middle of the street. I was not a good driver, and this caused me to hit the man and the vehicle passed over him. I think he died as a result of the accident. We had been told before that citizens of that country had the custom of assailing and destroying the car of any one who causes an accident to any of them on the pretext that it is no more than an outburst which is unobjectionable. Therefore, I did not stop and drove the vehicle back to the camp informing nobody about it. Actually, I only thanked Allah for saving me from the citizens' outburst against one who causes an accident. Moreover, I asked nobody to help or guide me in this regard being an ignorant young man. Otherwise, I would have searched for the man's relatives and settled it with them. Anyway, it is Divine Decree and I do not know the man's name, address, relatives or even religion as there are Muslims, Christians and Druze in the country. Furthermore, the accident took place a year ago. However, I want to be on the safe side thinking that the man could hardly have been saved after the car had passed over him. Please, tell me what to do, may Allah reward you with the best and prolong your life so that you may continue conveying your message toward Islam and Muslims!

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**A:** If it is more likely that you caused the death of the man, you will be liable to the Kaffarah (expiation) of accidental killing, which is freeing a Muslim slave or, if it is not feasible, fasting for two consecutive months, i.e. sixty days. Moreover, your family will be liable to the Diyah (blood money) of the man supposing it was a Muslim country where the accident took place. If the family cannot pay it, you have to pay it yourself to the man's legal heirs, whom you have to search for. However, if you cannot find them, you should give the money in charity on their behalf.

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Fatwa No. ( 20186 )

**Q: A woman who gave birth to a female child cut the child's umbilical cord with a blade, and then tied it following the custom of other Bedouins. Two days later, the woman took the child to the hospital to be told by the doctor that the umbilical cord was infected with cancer as spoiled blood had accumulated causing the umbilical cord to be poisoned, and consequently causing the death of the child. Please bear in mind that the woman did the same with all children to whom she gave birth. Moreover, she did the same to another female child to whom she gave birth after the child mentioned above, and nothing bad happened. Is such a woman liable to a Kaffarah (expiation)?**

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**A:** If the reality is as you have mentioned, the woman is neither sinful nor liable to Kaffarah (expiation) regarding the death of her daughter. In fact, cutting the umbilical cord is the custom of all women and hence may not be the cause of the child's death. Actually, one is basically free from accountability unless otherwise proved.

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Fatwa No. ( 20105 )

**There was a Hindu Indian blacksmith who worked on an industrial project. He would make use of a crane to reach the highest height of the project, to which he added an iron connection, which he manually made, to reach a higher level. On 9/7/1418, he carried zinc boards that were 8 meters long and one meter wide on the crane and ascended over them. However, I asked him to carry five more zinc boards which he accepted. While standing beside the project, I drove the crane over where the blacksmith was standing so as to put the load in place. On reaching opposite to the ceiling, the load inclined and fell from that height**

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**toward the blacksmith and the boards crushed the blacksmith's head which caused his death. Please, be informed that he practiced his work using the iron connection for about one month and nothing bad happened. Moreover, I have finished all procedures with the government and representatives of his family. My question is: Am I liable to a Kaffarah (expiation) or anything else?**

**A:** If the reality is as you have mentioned, it will be more precautionary to free you from accountability for you to offer a kaffarah of accidental killing. In fact, the load's inclination and falling over the blacksmith was caused by a number of factors. One of the most important factors that has something to do with you is that you requested the blacksmith to carry an additional five boards. In addition, you drove the crane and perhaps you stopped it in an imbalanced place. It is also likely that the method of raising them caused the load to be shaken and imbalanced and hence fell down. Accordingly, it will be more precautionary and freeing from accountability to offer a Kaffarah of accidental killing, which is freeing a Muslim slave or, if this is not feasible, fasting for two consecutive months.

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Fatwa no. 20075

**Q: My daughter who was nine months old died in her bed as a result of putting a bedspread and blanket over her to provide warmth in the cold weather. Her mother and I put them over her after Fajr (Dawn) Prayer and I went to sleep, while her mother was engaged in the housework hoping she would return to sleep with her. However, she overslept in another room because she was tired, and I got up at eleven o'clock to go to work. When I went to check my children in their bedrooms and cover them because of the cold weather before I left the house, I found the baby girl laying in an unusual manner and the bedspread and the blanket overwhelming her. Is it obligatory upon my wife and I to observe Sawm (fast) as Kaffarah (expiation)? Is it obligatory only on one of us? It should be noted that we did not do so on purpose. Please, advise.**

**A:** If you did not put the bedspread and the blanket or any of them over the face of the baby, and she was overwhelmed by them due to her own movement, there would be nothing on you because you were not negligent. However, if you put the bedspread and the blanket over her face, both of you must offer the Kaffarah (expiation) of involuntary manslaughter. This is because you were the reason behind her death. Kaffarah is freeing one believing slave by each one of you,

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and if there are none available, you must fast two consecutive months and sincerely repent to Allah. We ask Allah to compensate you with a girl better than her and help you fulfill your duties.

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Fatwa no. 19995

**Q: I took four students of the Qur'an memorization school in my car, and as we were passing by a valley we were overtaken by a flood. This flood carried my car for about five hundred yards while the students and myself were inside. However, I was able to open the car's door and get one of the students out. The other students remained inside the car at the midst of the flood, and I was not able to rescue them, and so they died. They were three in number including my son. Eminence shaykh, is it Wajib (obligatory) on me to make three Kaffarahs (expiations) by observing Sawm (Fast) because of the involuntary manslaughter of the three students mentioned above including my son? If so, do I have to observe Sawm for six successive months without separating them, or may I separate between every two months? It may be worth mentioning that I am sixty years old. Provide us with your beneficial answer please. May Allah reward you.**

**A:** In case that reality is exactly as what you have mentioned in the question, you are not a sinner and no kaffarah is obligatory on you

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for the death of the three concerned students. This is because you did not neglect rescuing them. You did your best and rescued one of them, and you did not cause the death of the others, for when you took that way there was no flood, then the flood overtook you in the middle of the way as you mentioned.

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Fatwa no. 19997

**While my mother was bringing water, a stone fell from her on my younger sister who died immediately. My mother died before expiating for this since she did not know about it. Please, advise.**

**A:** It is obvious that the stone fell from your mother on your younger sister by mistake when she was bringing water to you from rain, and this caused the death of your sister. If the case was as mentioned, it would be obligatory on your mother to offer a Kaffarah (expiation), which is

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freeing one believing slave. If there were none available, she had to fast two consecutive months since she was the reason behind your sister's death. As your mother died before she offered expiation, the price of freeing one slave must be paid out of her legacy, if she left money. If she does not have money and the believing slave is available, one of her sons or relatives may donate the price of freeing him or fast two consecutive months on her behalf. Indeed, he will be rewarded from Allah (Exalted be He) for doing so. That is because this Kaffarah is a debt on your mother that should be settled.

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**Fatwa no. 19762**

**Q: Twenty years ago, my wife was breastfeeding my baby late at night when she fell asleep. In the morning, she found the baby dead under her breast. She says that the baby was sick before this. What is the ruling of Shari`ah (Islamic law) on her case? May Allah guide you! As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!).**

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**A:** If the case is as you have mentioned, your wife caused the death of her baby by mistake when she gave him her breast and slept while leaving it in his mouth. Your wife rested her body on the baby, so he could not take his breath. She therefore must offer a Kaffarah (expiation) for involuntary manslaughter, which is freeing one believing slave. If there is no slave available, she must fast two consecutive months. Your wife must repent to Allah, seek His forgiveness for doing this and not do it again in the future.

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Fatwa no. 19794

**Q: My mother suffered severe illness that led to her death. She used to refuse to enter any hospital. However, during her last suffering, my sister, and I insisted that she must enter the king `Abdul-`Aziz hospital in Jeddah where she underwent surgery. The examinations and scans showed that she had stomach cancer. Three days later, the cancer spread significantly throughout all the body. During that period, she asked me for water, but I refused as the doctor ordered us not to give her water until three days pass after the date of the operation.**

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**She had bleeding and her consciousness was lost at times, and awakened at other times. I helped her utter the Shahadah (Testimony of Faith). During the night when she died, I slept beside her for an hour. When I woke up, she was dead. One woman told me that she saw my mother in a dream in a state of anger towards me because I rejected to give her water. My question is: Am I sinful for this act? If so, what is the Kaffarah (expiation) that I should offer? Please, advise. May Allah reward you with the best!**

**A:** If the reality is as you have mentioned, you committed no sin concerning your mother's death. You rejected to give her water as the doctor ordered you not to do so during the said period. Thus, you did not intend her any harm, but rather you were keen to provide her with something that benefits her treatment and avoids any complications. No Kaffarah is required. As to what the woman saw in the dream, you should pay no attention to it as it is from Satan. You should fulfill her rights over you after her death by supplicating to Allah frequently to forgive her and be merciful with her, giving in charity on her behalf, and maintaining ties with her relatives and friends.

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Fatwa no. 19633

**Q: I gave birth to a child naturally. On his third day, I bathed him as usual with his brothers. Then, I began to feel that there is something wrong with him; his color changed and he became unable to move. We took him to the hospital immediately, where they made a blood transfusion for him. He stayed in hospital for two months, but his condition deteriorated. We took him home, and then we took him to a number of shaykhs to recite Ruqyah (reciting Qur'an and saying supplications over the sick seeking healing) over him, so that Allah may cure him. Some of them said that he was envied; others claimed that he had a companion devil and that he needed to be cauterized, but I refused this; whereas the doctors said he was handicapped. His growth rate deteriorated. We spent a lot of money hoping that he will be cured by Allah, but it was useless. When he reached five years old, we learned that there was a similar case that was cured by a shaykh, so we took him to that shaykh. He asked for a sum of money as a down payment, and another sum of money when the boy recovers and becomes able to mount the stairs and do other activities.**



**That man was very self-confident. Being so optimistic, we gave him the sum of money he asked for. However, after being treated by that man, his condition deteriorated, and he refused to eat or drink. We took him to the hospital again, where he stayed for many days while his condition was getting worse. A day after coming out of hospital, he died. May Allah make him an intercessor for me and his father on the Day of Judgment.**

**Due to his medical condition, we did not have him circumcised or slaughter a `Aqiqah (sacrifice for a newborn) for him.**

**Are we considered sinful? Do we have to pay Kaffarah (expiation)? I heard that if a boy is neither circumcised nor a `Aqiqah slaughtered for him, no one intercedes for his parents. Nowadays, I frequently see him in my dreams. His brothers also dream that he is alive, or that he has recovered. I would like to inquire, so that my conscience becomes clear. Please advise concerning my inquiries. May Allah reward you.**

**A:** If the situation is as you mentioned, you do not have to pay Kaffarah for the boy's death, as you did not do anything wrong. There is no harm in not having him circumcised. It is Mustahab (desirable) to sacrifice a `Aqiqah for him, to apply the Sunnah and seeking its reward. May Allah guide everybody to goodness!

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**Fatwa no. 19686**

**Q: Around seven years ago, I was pregnant in my seventh month. I cleaned the kitchen with a toilet cleaner called "Flash", and I inhaled it not knowing its hazardous effect. Afterwards, it caused me and my unborn child some health problems. However, I went to the hospital, as I felt ill, where I gave birth to my baby in the eighth month of pregnancy and it was very ill. They told me several times that it was essential for the baby to undergo surgery. Accordingly, I signed the approval, but the baby died after the operation. Is it obligatory for me to offer Sawm (fast) or expiation for signing the approval for the operation? Please provide me with the answer, may Allah reward you!**

**A:** If the case is as mentioned, there is blame on you, In-sha`a Allah (if Allah wills) for the harm caused to the baby from inhaling the cleaner. The legal principle is the permissibility of using this detergent as described, and also because the harm caused by it is not certain. Moreover, the original rule is that a person is not guilty unless it is proven otherwise. In addition to this, you are not to blame for signing the approval for the operation. You were not negligent or responsible for the baby's death in any way, rather you did this for its sake hoping it would recover.

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Fatwa no. 19731

**Q: One day, I put my seven months old boy on the floor and gave him a toy to play with. I then left the room to perform one of my household duties; but when I returned I found him dead with the toy wrapped around his face, nose and mouth. I shook him, but he was already dead. Later on, I asked about the ruling on this, and was told that I have to offer Sawm (fast). Since I am unable to fast, I ask Allah that you send me a convincing reply, May Allah preserve you!**

**A:** This woman was responsible for the death of this seven month old child, as she was negligent by giving the child the plastic toy, leaving the room, and allowing him to play with it alone. This resulted in the toy becoming wrapped around the child's face, nose, and mouth which lead to its suffocation. She should have protected him, and taken the necessary precautions by not giving him this toy because he was too young to safely play with it or handle it. Accordingly, this woman must offer Kaffarah (expiation), which in this case is to free

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a believing bondsman, and if she finds none, she must fast for two consecutive months, and nothing other than this will absolve her. In addition to this, she is not to be excused from Sawm, for she will still be responsible for it. If she is able to offer it, then she must, and if she is unable to offer it during her lifetime, it is commendable that after her death, any of her relatives fasts on her behalf. The Messenger of Allah (peace be upon him) said: (If a person dies before making up for their obligatory fast, their heirs must fast on their behalf.) Furthermore, this woman should offer sincere Tawbah (repentance) and never commit such a mistake in the future.

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Fatwa no. 19742

**Q: my daughter died when she was one year old. She used to play with her brethren on a swing that I made for them after their insistence. The rope of the swing was cut and I wanted to leave it that way but they cried in order for me to have it fixed for them. After a while, I went to sleep and the girl was behind me. She went onto that swing and the rope got twisted around her neck and killed her. The question now is: Is there any sin on me in this regard? Should I observe fasting (Sawm) as a Kaffarah (expiation) for this although I did not deliberately kill her?**

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**A:** If the reality is as you have mentioned, there is no sin on you regarding the death of this girl because you were not negligent in this and what happened to her was beyond your control.

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Fatwa no. 18246

**Q: i had an accident when i hit a camel. My wife and a maid died and I was in a coma for six months. All praise be to Allah, I have now recovered my health, but I am not able to observe Sawm (Fasting) for four months, because I am old. As for Ramadan, I hope that Allah will help me to observe Sawm then. My financial situation is good and I want to discharge my responsibility, so please advise me as to what I should do. May Allah guide you to what pleases Him and may He bless you with long life in obedience to Him!**

**A:** If you were in any way responsible for the accident, even little, you have to perform two Kaffarahs (expiations) for the two deaths that resulted from that accident. For each one, you should free a believing slave, but if you cannot find one, you should observe Sawm for two consecutive months for each one of them.

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If at the present time you cannot do this, due to what you mentioned, it will remain incumbent upon you until you can do it.

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**Fatwa no. 18270**

**Q: One day, my wife placed her baby in a leather bassinet after hanging it away from his brothers in order that they don't harm him. She left him and went to clean the house and care for the cattle. When she returned, she found that her baby had fallen from the bassinet and was hung by the ropes of the bassinet. Now, is the baby's mother sinful for this act? Please, advise. May Allah reward you!**

**A:** If this bassinet is not strong and proper enough to protect the baby from falling, she is neglectful and has to offer the Kaffarah (expiation). Thus, she has to free a believing slave, and if she can not afford this, she is to fast for two consecutive months. On the other hand, if the bassinet is sturdy enough to prevent the baby from falling, she will not be sinful.

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Fatwa no. 18297

**Q: On Wednesday, 16 Dhul-Qa'dah, 1415 A.H., I had a traffic accident in Darb Bany Sha'bah, in 'Asir area with A. N. A., who later died. the traffic police decided that the accident was the fault of the deceased 100%. The case was filed with the judge of Darb Court and the court issued a ruling on the reasons and justifications that had been decided by the traffic officers. I asked the judge whether I should perform Sawm (Fasting) for two months, but he told me that I did not have to do that as I was not responsible for the accident. However, after the accident, my house was burgled on 22 Safar, 1416 A.H.; on 25 Rajab, 1416 A.H., I lost 7,500 Riyals; and I had an accident in another car on 29 Jumada II, 1416. All praise be to Allah for His Divine Decree and Predestination. Also, when my mother saw that I had no car and that I had to borrow or rent one, she asked me to take**

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**some money from the money of hers that I have, which is some 19,000 Riyals. I gave her a receipt for it, although she vowed by Allah that she would not take it. Previously, she gave me 35,000 Riyals to help me construct a building, and sometimes she gets angry with me and tells me that I have taken her money and that I am in her debt. I hope that Your Eminence will advise me, as I think that all these problems are due to the accident. All praise be to Allah for everything as the believer is always being tested, but whenever something happens, my family think that it is due to the accident. I hope that Your Eminence will enlighten us in this respect.**

**A: First:** If the situation is as you mentioned and that according to the police report, you were not responsible for the accident and that it was 100% the fault of the deceased, you do not have to perform a Kaffarah (expiation) nor pay Diyah (blood money).

**Second:** As for the money that your mother gave to you, if it was as a gift, it is yours to keep. However, if she has any other children, it is obligatory on her to be fair in giving gifts and she should not favor you in any way over them. If it was given as a loan, you are obligated to repay it when you are able to.

**Third:** The disasters that have befallen you are part of Allah's Divine Decree for His Servants. It is obligatory on a Muslim to be patient and seek the reward from Allah.

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You should ask Allah (Glorified be He) to grant you well-being in your Din (religion) and in this world. The accident has no relation to the other things that you mentioned.

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**Fatwa no. 19317**

**Q: i had a twenty-six month old son who fell in a water tank and drowned; should i fast or not?**

**A:** If the child's mother is at fault by leaving the child alone near the open tank, she must offer a Kaffarah (expiation); freeing a believing slave, if she can not find that, she must fast for two consecutive months. If it is not her fault, meaning that she left him in a secure place, but he crawled to the open tank, there is no blame on her, for the general rule is that she is innocent unless proven otherwise.

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**Fatwa no. 19315**

**Q: A woman asks that a few months after getting married she became pregnant. while carrying a gas cylinder, blood started flowing from her and she aborted a fetus. She did not know that she was pregnant. what should she do in this respect?**

**A:** If the embryo that was miscarried was over the age of four months, the pregnant woman should bear the Kaffarah (expiation); setting free a believing slave. If she can not find one, she must fast for two consecutive months, for the fault lies in carrying a heavy weight. If the embryo was less than four months, there is nothing upon her, for life has not been breathed into it yet.

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**Fatwa no. 19451**

**Q: I was in the ninth month of pregnancy when I felt some pain which made me go to the hospital. The specialist doctor told me that I have to undergo quick surgery to save the fetus because it is difficult for me to give natural birth. I refused to have this surgery and my doctor told me that if I do not undergo this operation quickly, it will expose the fetus to danger**



**and it may be stillborn. A few days later, it died in my womb.**

**Is there any sin on me? Should I consider myself responsible for the death of the fetus because I caused him to die by refusing the surgery which might have saved his life - with the will of Allah - according to what the doctors said? Is there any Kaffarah (expiation) on me such as fasting for two consecutive months? Could you kindly advise? May Allah reward you with the best!**

**A:** If the reality is as you have mentioned, nothing is due on you concerning the death of the fetus. Your refusal to have the surgery did not cause him to die. The surgery might not have achieved the target which the doctor mentioned. The general rule is that one is free from responsibility as long as there is no evidence to prove otherwise. All Praise is due to Allah.

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Fatwa no. 19117

**Q: One night, I was driving an agricultural tractor on the highway with a trailer behind it. As the trailer did not have any back lights or reflectors, I had to take the opposite side of the road to be able to use my front lights. While driving in this condition, a car came towards me and kept coming nearer until I was forced to**

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**leave the main road while the trailer was still on it. The car collided with it and two of its passengers died. I was sentenced in absentia to one year in jail, but I wish to know the Islamic ruling on this. Should I make Kaffarah (expiation), manumit a bondsman, pay Diyah (blood money) to the deceased's families, or is there nothing due on me? Please answer us regarding the Right of Allah and the rights of the deceased's families. May Allah reward you good, extend your life and increase you in knowledge!**

**A:** If the case is as you mentioned, you must pay the Diyah for each person whose death you caused. In addition, you must offer Kaffarah which is manumitting a believing bondsman, However, if you cannot, you must fast for two successive months for each person. You were negligent in driving your tractor on the opposite side of the road, and in leaving your trailer with no backlights.

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Fatwa no. 19168

**Q: My mother (may Allah have mercy on her) ordered us before dying to ask about something that had happened to her 20 years ago. While she was delivering**



**one of her children, the midwives who assisted her let go of her and she fell on her baby who died at once. Is she to blame for its death? Does she have to manumit a bondsman, pay Diyah (blood money) or fast? If she is required to fast for a certain number of days, is it permissible for me, as her son, to fast on her behalf or pay a ransom?**

**A:** There is nothing due on your mother, as she did not intentionally fall on the child, but fell because the midwives let go of her.

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**Fatwa no. 19016**

**Q: I want to know your Fatwa (legal opinion issued by a qualified Muslim scholar) regarding my son who died 30 years ago. The child would keep me up all night until it fell asleep. I put it beside me and then slept. when I woke up at dawn, I found that a goat had sat on it and it died. This is because we used to live in the desert and that is what killed it. Now I want to know, what are this child's rights according to Shari`ah (Islamic law)?**

**A:** If the case is as you mentioned, there is nothing due on you regarding the child's death, for you have not been negligent. It was sleeping beside you



and an unexpected accident occurred. Moreover, the basic ruling in such cases is innocence.

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Fatwa no. 19390

**Q: When I was reversing the car, my brother who is seven years old was holding onto the car. I could not see him, so I asked him if he left the car before I reversed the car, but he lied to me and answered in the affirmative. As a result, the car ran over him against a plough unintentionally and his leg was broken. Fifteen days after the accident, he died in hospital. Should I fast two consecutive months or free one believing slave? Should I pay Diyah (blood money)? Please, advise. May Allah reward you!**

**A:** If the case is as you have mentioned, you must offer a Kaffarah (expiation) because you did not make sure that your young brother had moved away from behind the car. Kaffarah is freeing one believing slave; if there is no one available, you must fast two consecutive months and repent to Allah (Exalted be He).



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**Fatwa no. 16129**

**Q: Around forty years ago, my father and my uncle lived in one house, each in a flat with his family. Each one of their wives used to have her own sheep that belonged to her family. My uncle had once traveled before his wife's relatives visited us. Since my father was the only person who would provide for the two families, he tried to slaughter one of my mother's sheep to feed the guests. Nevertheless, my mother refused to give my father from her sheep and told him that he had to take from the sheep of his brother's wife because the guests were her relatives. My father insisted to take from my mother's sheep by force. He thus beat her in different parts of her body and threw her to the floor. As my mother was in the ninth month of pregnancy, ten days later she had a miscarriage. Two baby girls died, the first was born dead while the second lived for two days then died. My mother told me that this second baby died as a result of the beating as their marks were clear on the baby's body.**

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**Please tell me in detail what is the ruling on my father and what does he have to do? May Allah safeguard you.**

**A:** If reality is exactly as what is mentioned in the question, it will be Wajib (obligatory) on your father to make two Kaffarahs (expiations) of involuntary manslaughter: one for causing the death of the fetus and the other for causing the death of the baby girl who was born alive but then died because of the beating that the mother was subjected to. One Kaffarah is to feed a believing slave or, in case of inability to do so, to observe Sawm (Fast) of two successive months. Moreover, your father has to pay to your mother her portion in the Diyah (blood money) of each of the two baby girls unless your mother waives it. The rest of the Diyah value has to be given to the other heirs unless they waive their shares. One full Diyah has thus to be paid for the baby who was born alive then died and one tenth of such a value has to be paid as a Diyah for the baby who was born dead. Regarding your father, he is neither allowed to inherit from the two baby girls nor exclude anybody to inherit from them because he is the one who caused the death of the two girls.

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Fatwa no. 17956

**Q: Fifteen days ago, I drove my family to Makkah Al-Mukarramah. Upon my return to my residence in Bishah,**

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**I put my young children in the luggage compartment of my Hilux car. It should be noted that the luggage compartment has no grille. my 4-year old daughter fell from the car because of a windstorm that had blown out during our return. She fell on the asphalt and died. Now, should my wife or I offer the Kaffarah (expiation) of involuntary manslaughter? It is noteworthy that the luggage compartment is very large and fits the three children who liked to sit inside it.**

**A:** If you put the said daughter in the luggage compartment without having an adult who could control and watch her, you are neglectful and have to offer the Kaffarah of involuntary manslaughter. You must free a believing slave and if you can not afford it, you should fast for two consecutive months. If there was an adult with her who could control and watch her, but she fell due to their negligence, the Kaffarah must be offered by them not you.

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Fatwa no. 17719

**Q: I am a car driver. One day I stopped the car to relieve myself and left it running and forgot to take the necessary procedures to fix it.**

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**As a result, the car slid backwards and killed an innocent boy who was behind it. What is the ruling in this case? Does this take the ruling of the involuntary manslaughter, which is stated in the Qur'an? If it takes the same ruling, I would like to explain to you my conditions.**

**I am a poor man and sometimes can not provide the livelihood for my children. I am also suffering from kidney failure that weakens me badly, so I am not able to fast two consecutive months because of the pain of the disease that I patiently endure with good faith. Doctors advised me to break my fast due to the difficulty of the disease. In both cases, I cannot free one believing slave or fast. I am so confused on how to offer the Kaffarah (expiation) of my mistake. What should I do in this case? I hope you will give me a satisfactory answer that makes me comfortable and assures me about the acceptance of my repentance.**

**A:** If the case is as you have mentioned, you must offer a Kaffarah of involuntary manslaughter because you caused the death of the child in question. Here the Kaffarah is freeing one believing slave; if there is no one available, you must fast two consecutive months. If you cannot afford both of them, the Kaffarah remains obligatory on you until you become able to offer any of them, since it is the right of Allah (Glorified and Exalted be He). If you fail to offer a Kaffarah during your lifetime, we hope that Allah will forgive you.

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**Fatwa no. 17710**

**Q: On Thursday, 17 Muharram, 1416 AH, I was traveling with my fifteen-year-old son. it was destined for us to have a car accident when one of the two rear tires was damaged, which made the car deviate from the road and hit a rock on the side of the road. My son died as a result. In fact, I was driving at high speed and I was aware that the rear tire was somewhat loose, but I traveled more than once with the car in such a state. Your Eminence, I would like to ask about the following:**

**Firstly: What is the Kaffarah (expiation) that I am required to offer since I caused the death of my son?**

**Secondly: Was my son obligated to perform Hajj? How would it be performed on his behalf?**

**A:** If the reality is as you have mentioned, you will have to offer Kaffarah for involuntary manslaughter, because of your negligence which led to the accident. This Kaffarah is freeing a believing slave. If you find this beyond your means, you must observe Sawm (Fast) for two consecutive months.

Regarding Hajj, your son was not obligated to perform Hajj unless he had money

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that could enable him to perform it before his death. In this case, someone else can perform Hajj on your son's behalf with his money. If he can not afford Hajj, he is not obliged to perform it. However, there is no harm if someone offers to perform Hajj on his behalf.

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Fatwa no. 15436

**Q:** Once I was riding my car to the Masjid (mosque) to offer `Isha' (Night) Prayer. The speed of the car did not exceed 35 km/hour. There was a woman on the other side of the road doing sports. Suddenly, she decided to cross the road to the other side without watching out for cars. I was surprised to see her before my car because I thought that she was on the other side of the road. so, I hit her with the car despite my attempts to avoid her and she died immediately. There was no passage way for the walkers in this spot. When the police came and searched for the causes of the accident, they found that the mistake was made by the woman and not the driver. After deep investigation, they set me free. I am a Muslim man, I am married and have six children and I work in France. The woman who had the accident was a French Christian woman. It is known that all the French people benefit from the insurance system i.e.,

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anyone who has an accident, will be compensated for all the losses resulting from this accident. In cases of death by any reason, the insurance company gives money to the family of the victim. My question is: Is it due on me to fast for two consecutive months and pay the Diyah (blood money) to the family of the woman? What is the legal ruling on this case? Could you kindly advise? May Allah reward you with the best! I can not enjoy my life since this accident has taken place.

Could you answer me soon please? May Allah reward you!

**A:** If the reality is as you have mentioned, there will be no blame on you because she was the cause of this accident.

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**Fatwa no. 15437**

**Q: I am a seventy-five year old woman. I live in this country in which I got married when I was twenty-five years old. i gave birth to a female baby. While i was breastfeeding my baby i accidentally slept while leaning over her. When i woke up, i found her dead. I am sure I caused her death unintentionally and I told her father**



**who went to ask a religious scholar at that time, 45 years ago. He asked him about what should be done in this case and the scholar told him that I must feed sixty poor people. I did that, but still feel that this is not enough. I ask Allah, then Your Eminence to tell me whether what I did was enough or if there are certain matters that I should observe. Kindly give us the legal Fatwa in this regard. May Allah reward you.**

**A:** If the case was as you mentioned, you should offer a Kaffarah (expiation) for unintentional manslaughter. This Kaffarah is to free a believing slave, and if you are unable to do that, you must fast for two consecutive months. Offering a feeding Kaffarah is not sufficient.

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**Fatwa no. 16059**

**Q: My mother caused the death of her nursing daughter by mistake when she wrapped it in a heavy blanket. Three months later, my mother died. Is Kaffarah (expiation) due on my mother? How can I offer it on her behalf?**

**A:** If the girl could not breathe and died because of the heavy blanket which your mother wrapped her in,

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offering Kaffarah is necessary, which is to manumit a believing bondsman, and if this is not available, one must fast for two successive months. Since your mother has died, you must offer the Kaffarah from her inheritance, if any, by purchasing a slave and manumitting it. If this is not possible, it is acceptable for you or any of your mother's relatives to fast for two successive months on her behalf. The Prophet (peace be upon him) stated, ("Whoever died and had some days to fast, their Waliy should fast them on their behalf.") (Agreed upon by Al-Bukhari and Muslim as Hadith Sahih, authentic Hadith). The Wali mentioned in the Hadith is the relative.

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**Fatwa no. 15337**

**Q: A woman was in her ninth month of pregnancy. In her home there was a white square-shaped tin tank that held one square meter of water. When the tank was half full, she had to lean on it to get water. Three days later, she felt that the fetus was not moving in her womb and when she visited a doctor, he discovered the fetus was dead and he removed it. The woman fears that she may have caused the death of her fetus and wants to free herself**

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**from guilt. Is she required to offer Kaffarah (expiation)? Bear in mind that she does not know the reason behind the fetus's death. Please give us your Fatwa (legal opinion issued by a qualified Muslim scholar). May Allah reward you for benefitting Muslims and for serving Islam!**

**A:** This woman must offer the Kaffarah for involuntary manslaughter since she has caused the death of her fetus. The Kaffarah is to manumit a believing bondsman and if this is not available, she should fast for two successive months (60 days). Menstruation does not break the succession and she must fast other successive days to make up for these missed days until she completes 60 days.

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**Fatwa no. 16546**

**Q: My wife had a little boy. while she was breastfeeding it, she fell asleep on it and the boy died. Please advise us: what is the Kaffarah (expiation) for this? She also has a two year old girl. One day my wife went out of the house for a necessity and the girl went out after her, fell in a water container and drowned. Does my wife have to make Kaffarah or not and what is required of her?**

**A:** Your wife has to make Kaffarah for the death of the boy as she caused it. As for the girl's death, there is nothing on her since

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she was not responsible for it. The Kaffarah is to manumit a believing bondsman, and if this is not available, to fast for two successive months.

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**Fatwa no. 16504**

**Q: My mother was elderly and feeling unwell. I left the keys in the car, and told my wife to get her into the car so that I could take her to hospital. It was Allah's will that my wife took nearly five minutes to get her to the car, and by then my young son had got into the car, started the engine, and stepped on the accelerator. This resulted in the accidental death of my mother. Please advise, may Allah reward you. What should we do? I also had a daughter who was fourteen months old. Her mother was at home when the girl went out to play. There was a water container in which the girl fell and drowned. Does her mother have to pay Kaffarah (expiation) or not?**

**A: First,** you have to pay Kaffarah, as it is your fault for leaving the key inside the car, which resulted in your young son driving it and killing

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your mother. The Kaffarah is emancipating a believing bondsman. If you cannot do this, you must observe Sawm (fasting) for two consecutive months.

**Second,** concerning your little daughter who drowned in the water container and died, her mother does not have to pay Kaffarah, since the original ruling is innocence, and she has not done anything that makes her guilty.

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Fatwa no. 15026

**Q: fifty years ago, a woman aborted twin babies in the seventh month of her pregnancy. She thought that they would die because they were not in their full growth. She thus did not care about them, did not breastfeed them or give them any kind of food, and was only busy with her own self. No medical care was available at that time and the two babies died less than one day after they were born. The concerned mother is more than eighty years old now, and she can not observe Sawm (Fast). What then does she have to do?**

**A:** If reality is exactly as what is mentioned in the question, such a mother has to make a Kaffarah (expiation) for each baby. One Kaffarah is to free a believing slave or, in case of inability to do so,

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to observe Sawm (Fast) for two successive months.

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**Fatwa no. 16642**

**Q: She has been practicing medicine as a successful obstetrician for 11 years, and none of her patients has had complications whatsoever. However, she had a medical case in which an embryo died in the mother's womb two months ago, as she decided to take it out of the womb. During the operation, it turned out that the embryo was torn and was stuck to the womb, which was fragile. After the operation, the mother did not heal completely and she was examined in the university hospital, which showed that there was a hole in the uterus wall despite my keenness on performing the operation. the woman received her treatment in the hospital where doctors sectioned her abdomen and cleaned it. But she was told that she would only be able to give birth through cesarean operations. Is there any blame on me? Do I have to pay Diyah (blood money)? If this matter occurs again with that woman, what should I do?**

**A:** You are not to blame for what you did, because you, as a specialist in that field, performed the right medical procedure. You also said that you have already performed successful operations of the same kind, praise be to Allah. A clever doctor is not responsible



for the harms or even the death of a patient, if he or she does his or her duty according to the prescribed medical procedures, because he or she is permitted by law to perform such operations. So a doctor is not held accountable for repercussions that may occur to the patient. We are of the opinion that you should continue your job to benefit the Muslims. We ask Allah to help you and advise you to be more careful and precise with the patients' medical conditions before providing any medication.

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Fatwa no. 15090

**Q: 18 years ago, I was 15 years old. I went out with my father and brothers - one of whom was nearly 4 and the other was a little older - along with some sheep. When we were at a distance from home, my father told me that he would be back and that I had to stay with the sheep and take care of my brothers. So I did; however, after a while we went to catch up with the sheep and my little brother lagged behind. He began moving in the direction of our home, but we did not say anything to him, and soon we disappeared from sight with the sheep.**

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**We stayed out for several hours, but when we returned home, we didn't find our brother. We went out again with my father and some people to search for him, and found that he had strayed away from home and died due to exhaustion. My question: Did I commit a sin by leaving him? Should I offer Kaffarah (expiation)? Please reply, may Allah guide you to what pleases Him!**

**A:** If the matter is as mentioned, you must offer Kaffarah (expiation) for neglecting to look after your brother and by not taking him back home. You should also offer Tawbah (repentance) to Allah of this. The Kaffarah in this case is to free a believing bondsman, and if you do not find one, you must fast for two consecutive months, i.e. sixty days.

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Fatwa no. 17208

**Q: I am a woman whose work is to cauterize the wounds of boys. One day, I was asked to cauterize a very sick boy who died immediately after cauterizing.**

**Now, am I to blame for this act? Should I offer a Kaffarah (expiation) for the boy's death? It should be noted that the boy was on his deathbed before I cauterized him.**

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**May Allah protect you!**

**A:** If the reality is as you have mentioned, that you cauterized the boy similarly as you do with any other boy, you will not be sinful.

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Fatwa no. 17241

**Q: I want to ask about a problem that disturbs me a lot. i circumcised a girl three days after her birth. She bled a little blood, then she died one hour later, and I do not know if the circumcision was the reason or not. I practice circumcision very skillfully for I have done it more than thirty times without negative effects. My heart will not be assured until I ask about it. It is worth mentioning that the mother of the girl died ten days after conception and her father who is still alive does not know anything about the causes of his daughter's death, nor did I tell him anything. Please, advise in this regard.**

**A:** If you practice circumcision very skillfully, as you mentioned above, according to the principles of the profession in a manner that fulfills its purpose and does not entail harm, and there was no

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negligence on your part, there will be no blame on you.

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| Bakr ibn `Abdullah Abu Zayd | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | Salih ibn Fawzan Al-Fawzan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**Fatwa no. 17506**

**Q: i accidentally killed one of my tribe members. This happened during our celebration on the Day of `Eid. His heirs relinquished their right of Qisas (just retaliation) and Diyah (blood money) and forgave me without any terms or conditions because of the friendship between us. My question now is:**

**Is it possible to free a bondsman, and could you arrange make this option available? I should mention that I do not have all the money I need to free a bondsman at this time, but I will receive the funds after I leave prison from the benefits of my previous job.**

**Should I fast two consecutive months instead to fulfill my obligation?**

**Please advise. May Allah guide you and may Allah's Peace, Mercy, and Blessings be with you!**

**A:** If the matter is as mentioned, you must pay the Kaffarah (expiation) of involuntary manslaughter



because you have killed a person of your tribe. The Kaffarah is to free a Muslim bondsman whether you have the money now or will have it in the future. If you are unable to do this, you must fast for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 17018

**Q: My problem is that I unintentionally caused our house to set fire and my mother was burnt inside it. This took place twenty years ago. Since then I feel conscience-stricken. I wonder whether I am to blame, and whether I should observe Sawm (Fast) or give charity to die comfortably. I had a disturbing nightmare some time ago. I see a camel running after me to devour me. This nightmare haunts me continuously. I hope Your Eminence will guide me in this respect, so that my heart may be satisfied. Am I to blame for my mother's death? May Allah protect you!**

(Part No. 21; Page No. 427)

**A:** If there is negligence on your part that caused this burning that caused the death of your mother, you should pay the Diyah (blood money) to the heirs of your mother. You should also offer Kaffarah (expiation) for involuntary manslaughter: to free a believing slave; otherwise, you should fast for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

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Fatwa no. 17074

**Q: I am a fifty-year-old woman. Thirty years ago and during the ninth month of my second pregnancy, I suffered from a severe cough. My neighbor told me to put some pepper with tea and take them to get rid of this cough. I used this prescription to recover, given that we live in the desert where there are no physicians to give me the right prescription. unfortunately, I got severe colic that resulted in aborting the embryo. I hope your Eminence could give me a written answer to my question as soon as possible; is there a Kaffarah (expiation) due on me? May Allah protect and guide you!**

(Part No. 21; Page No. 428)

**A:** You should offer Kaffarah for involuntary manslaughter, for the embryo apparently was aborted due to your use of pepper. The Kaffarah is freeing a believing slave, if you do not find, you should fast for two consecutive months. We ask Allah to help you and grant you success and to make your child an intercessor for you.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 17472

**Q: I had a one year old baby. One day, one of my sisters drove the car when my elder brother, who was forty years old, ordered her to refuel it. The driver of the car was nine years old. My child was among a group of children standing around the car. The mother of the driver was busy inside the house and was unaware of what her child was doing. When my sister started driving the car, the children sat on the trunk except the one year old girl. the little girl was standing in front of the car on the right side and the driver did not notice her. It was Allah's Will that the car ran over the girl, who died immediately.**

**I ask Allah then your Eminence to give me a satisfactory answer**

(Part No. 21; Page No. 429)

**about the required Kaffarah (expiation), or if there is any other penalty. It is worth mentioning that the girl who drove the car is sixteen years old now. Who is obligated to observe Sawm (Fast) or make Kaffarah? The girl who drove the car, the elder brother who ordered her to drive the car, or the mother who was inside the house?**

**A:** The Diyah (blood money) is to be settled by court. Regarding Kaffarah, it should be made by the person who gave the order of driving the car, namely, the elder brother. This Kaffarah is freeing a believing slave; but if he does not find a slave to set free, he must observe Sawm for two consecutive months as a way of seeking acceptance of repentance from Allah.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 15946

**Q: my wife put our female infant in her portable bed and attached it to the ceiling of the cottage. We live in a Bedouin village in Tuhama, Qahtan. After she returned, she found the baby on the ground, because the rope with which she hung the portable chair was made of delicate nylon. Despite her tying it with three knots, the baby's constant movement and swaying caused the rope to snap.**

(Part No. 21; Page No. 430)

**My wife did not know that the rope had snapped, and the baby's nose was bleeding. Due to this accident, the infant was ill until she died. We do not know whether my wife has to offer Kaffarah (expiation) or not. Kindly, give us your Fatwa in this regard.**

**A:** She must offer Kaffarah, because of her negligence in using a thin rope. The Kaffarah is freeing a believing bondsman, and if she is unable to do that, she may fast two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| --- | --- | --- | --- | --- |
| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**Fatwa no. 18082**

**Q: A woman attacked a Muslim woman and killed her fifty years ago, and the killer died a long time after the incident. can the daughter of the killer offer the Kaffarah (expiation) for the act of her mother by freeing slaves or fasting?**

**Waiting for your answer, and may Allah protect and support you!**

**A:** There is no Kaffarah for premeditated murder. However, the daughter of the killer should supplicate to Allah for her and give Sadaqah (voluntary charity) on her behalf. Perhaps, Allah will benefit the killer from these deeds.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 19980

**Q: first: A mother laid her baby girl to sleep beside her in bed and covered her with a quilt. When she woke up in the morning she discovered that her baby girl was dead. What is the ruling on this mother?**

**Second: A boy around one year old was left by his mother in the back of the house. The mother asked her other son, who is four years old, to watch his brother and keep him from going close to the fire. the older son neglected his younger brother who fell into the fire and died. Must the mother offer any Kaffarah (expiation) for this? Please provide us with your beneficial answer.**

**A:** According to what is mentioned regarding the first question, the concerned mother does not have to offer any Kaffarah for the death of the baby girl because she did not cause the death. This is also due to the fact that the basic principle states that no Kaffarah is due unless there is clear proof to the contrary. Regarding the second question, if the case is exactly as you have mentioned; the mother in question was negligent in leaving the baby boy near the fire to be watched only by a young immature child. Consequently, it is Wajib (obligatory) on her to offer Kaffarah, which is to free a believing bondsman or, if unable to do so, to observe Sawm (Fast) for two successive months, i.e. sixty days.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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**Fatwa no. 19983**

**Q: Nine years ago, i felt ill so i visited a doctor, who prescribed some medication. He asked me whether i was pregnant, and i said no. He then gave me medication and an injection. When i took it and returned home, i felt pain and had a miscarriage. I did not give much importance to the matter because I did not know the medication would affect the fetus. I was not educated enough to know such matters, and neither was my family. Now, I feel guilt and fear Allah that I may have committed a sin, especially when the doctor asked me whether I was pregnant and I denied it not knowing that the side effects of the medication would be so grievous, and that my three month fetus would be miscarried. What should I do to expiate for this sin which I committed unintentionally?**

**A:** If the fetus you miscarried had already reached the age of four months in your womb before the miscarriage, you must offer Kaffarah (expiation). The Kaffarah is freeing a believing bondsman, and if you are unable to do that, you have to observe fasting for two consecutive months. If the miscarriage occurred before the fetus reached the age of four months,

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you do not have to offer Kaffarah, and you should repent to Allah (Glorified be He) and ask His forgiveness.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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**Fatwa no. 19932**

**Q: I am married to a man and I gave birth to twenty-three children, boys and girls, eight of whom died. I aborted two twins because of my husband's bad treatment; he does not fulfill my duties, kicks and insults me in the presence of his children and second wife. I observed fasting for two months and still another two remain, so I want to ask you about this. My husband neglects me and his children, while giving his attention fully to his second wife. I live in a bad state that only Allah knows. What is the ruling of the abortion I had? Should I complete fasting the other two months? Are the first two months enough?**

**A:** If you are the reason behind ending your pregnancy as a result of your deliberate violation or negligence after the soul is breathed into the fetus, one Kaffarah (expiation) will be obligatory on you for every pregnancy you end. Kaffarah is freeing one believing slave; if there is no slave available, you must fast two consecutive months for each pregnancy you end. If abortion occurred without your interference or was done before the soul was breathed into it, i.e. before

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the fifth month, there will be nothing on you.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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**Second question of Fatwa no. 19299**

**Q 2: A woman intentionally aborted her baby while she was ignorant of the ruling on doing so. What does she have to do in case such abortion took place before or after the embryo had been fully created?**

**A:** In case that this pregnancy was aborted after the soul had been breathed into it, i.e. after the completion of four months or more, the concerned lady has to make the Kaffarah (expiation). Such a Kaffarah is to free a believing slave or, in case of inability to do so, to observe Sawm (Fast) for two successive months. However, in case that the soul was not breathed into the concerned embryo; the concerned lady is considered a sinner for aborting it but she does not have to make any Kaffarah. She has only to make Tawbah (repentance to Allah) and Istighfar (seeking forgiveness from Allah).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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|---|---|---|---|---|
| Bakr Abu Zayd | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 17576

**All praise be to Allah Alone, and peace and blessings be upon His Messenger, and his family and Companions.**

(Part No. 21; Page No. 435)

**To proceed,**

**The Permanent Committee for Scholarly Research and Ifta' reviewed the request submitted to his Eminence the General Mufty (Islamic scholar qualified to issue legal opinions) from his Excellence the General Manager of Hospitals in the Ministry of Health, which was referred to the Committee from the General Secretariat of the Council of Senior Scholars with the number (2768) in 2/7/1415 AH. The following question was asked:**

**Many inquiries have been sent to the Ministry from some health departments about the age of the fetus above which the fetus is said to have been dead and below which it is said to have been aborted. Since this issue involves Shar`y (Islamically lawful) and legal aspects, I hope your Eminence would honor us with a Shar`y Fatwa about the age of the fetus during pregnancy, the age under which it is said to have been aborted, and the age before which it is said to have been dead so that we can inform the health departments about this to act accordingly.**

After studying the question, the Committee answered: **Firstly:** The ruling on abortion:

1. The basic rule states that abortion during any stage of pregnancy is not permissible according to the Shari`ah (Islamic law).

2. Abortion during the first stage of pregnancy, which is the first forty days, is not permissible except to prevent an imminent harm or to fulfill a Shar`y benefit; each case is estimated by specialists in Shari`ah and medicine. It is not permissible to have an abortion during

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this stage for fear of facing difficulty in bringing up children, being unable to provide for them and for their education, for fear of their future, or due to having enough children.

3. It is not permissible to have an abortion if the fetus is `Alaqah (a piece of thick coagulated blood) or Mudghah (small lump of flesh) unless a reliable medical committee decides that it endangers the safety of the mother and may lead to her death if it remains in her womb. If this is the committee's decision, it will be permissible to have an abortion but after sparing no efforts to prevent such dangers.

4. After the third stage and after completing the fourth month of pregnancy, it is not lawful to have an abortion unless a group of reliable and specialized doctors decide that the fetus can cause the death of its mother if it remains in her womb. This decision must also be taken after sparing no effort to save its life. In fact, abortion is allowed according to these conditions to prevent the worst of the two harms and bring the best of the two benefits.

**Secondly:** Rulings after abortion:

These rulings differ according to the stage of pregnancy during which the abortion took place. They are as follows:

**The first ruling:** Abortion can take place during the first two stages, that is,



the Nutfah - which is mixed drops of male and female sexual discharge that takes place during the first forty days of pregnancy in which the sexual discharge clings to the womb - and the `Alaqah in which the sexual discharge is turned into coagulated blood during the second forty days of pregnancy until the eightieth day of pregnancy. During these two stages, if an abortion takes place, there are no consequences according to the Ijma` (consensus of scholars). Accordingly, the woman should not stop performing Salah (Prayer) or observing Sawm (Fast) as if she was subject to no abortion. She only has to perform Wudu' (ablution) for each Salah if there is blood, for this case is Istihadah (abnormal vaginal bleeding outside the menstrual or post-partum period).

**The second ruling:** Abortion may take place during the third stage, which is the stage of Mudghah, namely, the lump of flesh, in which the human features of the fetus begin to appear from the eighty first day of pregnancy until the hundred and twentieth day; the third forty days of pregnancy. This involves two cases:

1. The Mudghah has neither visible nor invisible traces of human features and the midwives testify that it does not mark the beginning of a human shape. In this case, the ruling on abortion is the same as when it takes place during the first two stages, which means that it entails no consequences.

2. The Mudghah has traces of complete human features, a visible trace of a human feature, such as a hand, a leg, etc, or even an invisible trace, or the midwives testify that it marks the beginning of a human shape. In this case, there are the consequences of having



postpartum blood and finishing one's `Iddah (woman's prescribed waiting period after divorce or widowhood).

**The third ruling:** Abortion may take place during the fourth stage after the soul is breathed into the fetus - which is from the beginning of the fifth month of pregnancy when one hundred and twenty-one days of pregnancy pass and onward. There are the following two cases:

1. The embryo does not cry. In this case, it has the same ruling on the second case of Mudghah; but it must also be washed, shrouded, and given a name, in addition to offering funeral Prayer and `Aqiqah (sacrifice for a newborn) for it.

2. The embryo cries. In this case, it has all the rulings of a newborn, which are the rulings stated in the above-mentioned case in addition to having the right to inherit, be inherited, etc.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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Fatwa no. 13676

Q: My thirty one year old wife M. A. M is now bedridden in hospital due to a near miscarriage. She is in her sixth month of pregnancy and the ultrasound has confirmed that the fetus is deformed and

(Part No. 21; Page No. 439)

its head and brain have not developed. The hospital advises that an abortion must be performed. Is this permissible?

Thank you, and peace be upon you.

A: It is impermissible to abort a fetus because it is deformed. You must have hope that Allah (Glorified be He) may change such deformation during the rest of the pregnancy and that the child may be born healthy. May Allah cause him to recover and make things easy for you all.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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| `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 15961

**Q: A man and his 22-week pregnant wife visited the German-Saudi hospital to examine the fetus. They found that the fetus was deformed as the top of the skull was absent. The wife went to the Maternity and Children Hospital where two consultants who used an ultrasound scan examined her. The same deformity was proven by these examinations.**



**It is scientifically proven that the deformed fetus dies soon after birth as the skull is open. Furthermore, continuing the pregnancy will lead to a late delivery and an increase in the fetus size, which may cause many complications for the mother. The mother may have to have a caesarean which has many effects. The mother will have bad mood swings during the remainder of her pregnancy, which will badly affect her health and family.**

**We, therefore, decided to write to you to know the Islamic ruling on aborting the fetus now.**

**A:** It is impermissible to abort the fetus because of the deformity mentioned in the question. Allah may heal the fetus during the remainder of the pregnancy. Moreover, it may be born normal and healthy, as has happened to many people.

May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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|---|---|---|---|---|
| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 15963

Praise be to Allah alone, and may peace and blessings be upon the final Prophet.

(Part No. 21; Page No. 441)

The Permanent Committee for Scholarly Research and Ifta' has read what was submitted to His Eminence the Grand Mufty from the Military Hospital Manager in Riyadh and Al-Kharj, that was referred to the Committee by the General Secretariat of the Council of Senior Scholars, that carries number 1599, dated 9/4/1414 A.H. The question goes as follows:

Please find attached a copy of the medical report of the patient MAAM who is being treated in the Obstetrics and Gynecology in the Military Hospital in Riyadh. Please advise concerning the following issue.

Below is the translated text of the medical report:

Date: September 22nd, 1993.

Unit: Obstetrics and Gynecology.

Patient Name: M.A.A.M.

Patient Number: (...)

Age: 31 years.

Mr. `Abdullah Al-Mursil,

Islamic awareness official,

As-salamu `alaykum warahmatullah wabarakatuh (May Allah's Peace, Mercy, and Blessings be upon you!),

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The abovementioned Saudi woman is twenty weeks pregnant. She has six healthy children, and she had an abortion once before. However, she is in good health now, although she had goitre in 1984.

During her current pregnancy, she received prenatal care in the primary health care unit, where she had ultrasound that revealed deformations such as the abnormally small size of the head, the entire forebrain, cataract, a nose that has one opening, deformation in the heart (slow heartbeat), most probably ventricular septal defect and abnormal kidneys, as the left kidney has renal cysts.

Accordingly, we saw that this fetus is unable to sustain life, and we recommend that it should be aborted. We discussed this issue with the mother, and she agreed to abort it in the nearest possible chance. She is now so depressed, and we think we can help her psychologically and physically by abortion. We also fear that if this pregnancy goes on, she might end up needing a caesarean section, which endangers her life, and might cause her inflammation and bleeding,

**in return for unnecessary procedures. We would like your opinion concerning the religious point of view. We are grateful for your cooperation.**

**Dr. Al-Sabbagh, Obstetrics and Gynecology Unit Manager.**

**Dr. `Awad, Obstetrician and Gynecologist.**

**Dr. Muslih, Obstetrician and Gynecologist.**

Having studied the Fatwa request, the Committee answered that it is impermissible to perform the abortion due to the mentioned deformations, given that Allah might cure the baby in the remaining time, and he might be born healthy. This happened to many people before.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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**Fatwa no. 17073**

Praise be to Allah, Alone, and peace and blessings be upon the last Prophet (i.e. Muhammad):

The Permanent Committee for Scholarly Research and Ifta' has read what was received by His Honor the General Mufti from the doctors at the National Guard hospital in Riyadh, which was sent to the committee from the General Secretariat of the Council

**(Part No. 21; Page No. 444)**

of Senior Scholars, numbered (2237) dated 3/6/1415 A.H. The doctors inquired about the following:

A married woman gave birth to three children by three consecutive cesarean section operations:

The first child was normal.

The second child was extremely disabled, physically and neurologically.

The third child was the same as the second.

This woman is now in the sixth month of her fourth pregnancy, and the embryo has been proven by x-rays to be physically and neurologically disabled; but the x-rays could not identify whether or not it would live after delivery.

The question is: is it permissible for the mother to abort the pregnancy? It should be mentioned that if the pregnancy continues to the ninth month, the woman will need to have another cesarean section to deliver this disabled child, but if the pregnancy is aborted now, there will be no need for this operation, unless she hemorrhages. Moreover, the placenta may be stuck to the wall of the womb for being cut three times before, which may require a hysterectomy if there is bleeding, whether the surgery is done in the sixth or the ninth month. We hope that you will provide us with the prompt ruling in this regard.

**(Part No. 21; Page No. 445)**

After the Committee studied the request for Fatwa (legal opinion issued by a qualified scholar), it answered as follows: It is impermissible to abort the mentioned pregnancy. The child must be kept until it is naturally delivered by its mother In-sha'a Allah (If Allah wills).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 18309

Q: Your Honor, I am a 31 year old man. My elder brother died eight years ago leaving behind four children and a wife who is also our cousin. Out of my desire to raise my nephews and not to expose them to problems that might result from their young mother's marriage to another person, I sought help from Allah and married her. I did so to provide her and my nephews with an honorable life while living with my family. This was the only matter that consoled my father after my brother's death (may Allah have mercy with him).

Praise be to Allah, she was a good wife but Allah willed that we have a genetic disease in our family that results in the death of the newborn around one or two months after birth. I buried the last child we had one month ago, and he was the third to die in the same way.



Due to my desire to have children who would support me as I grow older, and as I am unable to marry again for not being able to afford a second family on my modest salary, I went to the hospital to seek necessary treatment. We suffer psychologically during the pregnancies, after delivery and upon the death of newly born children. The final doctors' decision referred us to the specialized hospital in Riyadh to take samples of the fetus while in the mother's womb in order to determine whether the fetus is healthy or has the same disease. If the fetus is healthy, the mother can carry on the pregnancy, and if not, she should undergo abortion. Now we seek to know whether this process is Islamically permissible, considering that this happens before the fetus reaches the age of four months.

What is the permissibility of undergoing an abortion in such a case? I cannot divorce my cousin or cause misery to my nephews, and I cannot marry another woman due to my financial status as mentioned. We appreciate your guidance, may Allah bless you!

A: It is not permissible to abort the fetus solely based on the opinion of doctors who say it has an illness; rather such matters are up to Allah Alone. We advise you to ask safety from Allah against every evil. Rejoice with



goodness and good consequences In sha'a-Allah (if Allah wills).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

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|---|---|---|---|
| Salih ibn Fawzan Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 19140

All Praise is due to Allah Alone, and peace and blessings be upon His Last Prophet. To commence:

The Permanent Committee for Scholarly Research and Ifta' has studied the question submitted to His Honor the General Mufti by the General Manager of the Department of the Ministry of Islamic Affairs, Awkaf, Call and guidance in `Asir No. 23/1/724 on 22/8/1417 A.H. along with the information given concerning the case of the woman whose fetus has not developed a head. The case included a question about the ruling on aborting the fetus before it completes its full term based on of the mentioned findings. The question was referred to the General Secretariat of the Council of Senior Scholars No. 4754 on 29/8/1417 A.H. The Committee studied the case and reviewed the medical report, which is signed by a number of doctors, related to the mentioned pregnancy, and it reads as follows:

Name: The name of the pregnant woman.



Nationality: Saudi.

Age: 28 years old.

Gender: Female.

File no.: (--).

This patient is in the seventh month of her pregnancy. She has three living daughters, the youngest of whom is two years old. The expected term for her delivery is 5/10/1417 A.H. All of her lab examinations are sound. There is no other disease accompanying her pregnancy. When she visited the out-patient clinic for the first time to investigate her pregnancy on 7/7/1417 A.H., the fetus was diagnosed through ultrasound and regular rays. These tests showed the fetus had no head but was still alive. It is medically known in such cases that the fetus either dies inside the womb, or dies directly after birth because the growth of the brain will not be complete.

The mother is not exposed to any danger until delivery. The mother's status remains stable and there are no current or expected future complications if the fetus remains alive inside the womb until delivery.

After the Committee studied this case, its answer was as follows: It is not permissible to abort the fetus at this stage, especially as the medical authority has decided that



there is no danger on the life of the mother if pregnancy continues, and she may deliver the child naturally after completion of the full term of pregnancy.

As for the deformation of the fetus, the issue that it does not have a head, and that it will not live after birth, these are not legal excuses for abortion. The result may be otherwise, and Allah may

complete his creation during the remaining phases of pregnancy, for Allah is Able to do all things.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

| Member | Deputy Chairman | Chairman |
|---|---|---|
| Salih Al-Fawzan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 19337

**Q: I am a married woman and I have five children. Allah (Exalted be He) willed that I get pregnant for the sixth time. I have weak nerves and my body cannot adjust well during times of pregnancy. Therefore, I visited a friend who works in a hospital asking her for advice and she gave me some pills that induce abortion. I took the pills, and after a few days when I started to bleed, my husband took me to the hospital where I had an abortion. This happened one and a half months after**

(Part No. 21; Page No. 450)

**conception. Now I deeply regret what I have done. So I present my problem to you and hope to receive your answer as soon as possible because I am living the worst days of my life. May Allah save you!**

**A:** The basic rule regarding pregnancy is that abortion is not permissible at any stage without a Shari`ah (Islamic law) excuse. If it is still a Nutfah (mixed drops of male and female sexual discharge) which is during the first 40 days of pregnancy, and if abortion achieves a Shari`ah interest or saves the mother from an expected harm, abortion will be permissible in this case. This does not include fear of being unable to raise the children, or provide for them, or the desire to have a limited number of children, or similar reasons that have no basis in Shari`ah.

However, if pregnancy lasted for more than 40 days, abortion will be Haram (prohibited). Pregnancy in this stage is called `Alaqah (small lump of flesh) which is the beginning of human creation. It is not permissible to have an abortion after reaching this stage unless an accredited medical committee decides that pregnancy endangers the mother's life and that it may end her life. Consequently, inducing abortion at one and a half months of pregnancy based on your own opinion claiming that you have weak nerves and that your body cannot bear pregnancy is a prohibited act. You must perform sincere Tawbah (repentance to Allah) and never repeat a similar act in the future.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Salih Al-Fawzan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 20532

**All praise be to Allah Alone, and peace and blessings be upon the final Prophet.**

**The Permanent Committee for Scholarly Research and Ifta' has reviewed the letter addressed to the General Mufti from the manager of the Armed Forces Hospital in Riyadh and Al-Kharj. The head of the Hospital attached a medical report of a married woman to be reviewed. The report shows that she is in her fifth month of pregnancy, that the fetus is deformed and that pregnancy endangers her life. The report states:**

**This woman is in her fifth month of pregnancy, and she is now 140 days pregnant. The sonar examination has showed that the fetus suffers from deformations. It had no skull and no**

(Part No. 21; Page No. 452)

**brain tissue (which denotes that the skull and brain are missing). Please clarify the Islamic ruling on having an abortion, since it seems impossible for the fetus to survive after delivery. There is no operation that can save its life. Bear in mind that if the woman reaches her ninth month of pregnancy, the delivery may be very hard and doctors may surgically interfere to deliver the fetus, which may endanger the woman's life.**

**After the Committee reviewed the Fatwa request, it gave the following answer:** If the case is as you mentioned that this pregnancy may endanger the woman's life, there is no harm in aborting the fetus to protect the mother and save her from harm. However, if abortion is due to the fetus's deformation, it is not permissible.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr ibn `Abdullah Abu Zayd | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

(Part No. 21; Page No. 453)

Fatwa no. 20736

**Q: I am a married woman. After my sixth month of pregnancy, some unfortunate things started happening to me. I was unable to live normally, I feared everything and I stayed in bed most of the time. All of these symptoms would vanish once I deliver the baby, as there is no organic disease, all praise be to Allah. When some of my friends learned about my condition, they advised me to try to miscarry through lifting heavy objects or jumping from high places. Indeed, I followed their advice and I lost the baby during my fifth month of pregnancy. After that, all my fears were gone and I was psychologically relieved. Now I feel that I have killed that baby and I fear Allah. I regret the sin that I have committed and I cry a lot. Even now, 12 years later, I still cry and regret what I did. Please guide me:**

**- Did I commit a sin? Note that I only did it because of the fears and bad feelings that I had. What should I do so that Allah will forgive me?**

**- Should I make any Kaffarah (expiation) for my sin?**

(Part No. 21; Page No. 454)

**Please answer me so that I may regain my peace of mind, as I fear the Punishment of Allah and hope for His Forgiveness. May Allah reward you!**

**A:** What you have done in aborting the fetus after the soul is breathed into it is considered an assault on a safeguarded human being. You have to perform Tawbah (repentance to Allah) and you should pay the Diyah (blood money) of the fetus if the heirs claim it.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**The third question of Fatwa no. 20791**

**Q 3: My husband was working at the University of Kuwait, but was without work after the invasion of Iraq in 1990. At that time, we used to borrow money in order to provide a living for our three children. In 1991, I was in the fifth month of pregnancy under these hard conditions, so I insisted on having an abortion after the soul was breathed into the fetus. Later on, I bitterly regretted doing this great misdeed. Thanks to Allah, I gave birth to another two babies in 1998 and 1999. The last child I gave birth to was in Shawwal, 1419 A.H. at the King Fahd University Hospital.**

(Part No. 21; Page No. 455)

**How can I expiate for the misdeed I committed when I had an abortion and killed the soul that Allah prohibited its killing? Is it enough to perform Salah (Prayer) of repentance and seek forgiveness? What should I do to attain forgiveness?**

**A:** the abortion you had is a prohibited act that you must repent from and must not do again. Also, you have to pay Diyah (blood money) of the fetus to his heirs, if they claim it.

May Allah grant us success! May peace and blessings be upon our Prophet, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

| Member | Member | Member | Chairman |
|---|---|---|---|
| Bakr Abu Zayd | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh |

Fatwa no. 15827

Praise be to Allah, Alone. Peace and blessings be upon the Last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has reviewed the query sent to His Eminence the General Mufti from His Excellency the Director of the Armed Forces Hospital, located in Riyadh and Kharaj. The query referred to the Committee by the General Secretariat of the Council of Senior Scholars dated 26/2/1414 A.H., no. 982 is as follows:

(Part No. 21; Page No. 456)

Kindly, find the attached medical report of the patient (...) who is being treated in the Obstetrics and Genecology department in the Armed Forces Hospital in Riyadh. We hope that you review and answer our question. The report states the following:

Doctor Qasim, who works in the Tumors Department, gave the seven-week pregnant patient a referral to this department as she suffers nose and pharynx cancer. In such a case, we suggest aborting the fetus because the chemotherapy endangers the life of fetus. If we are late for treatment, there will be serious impacts on the mother. Your rapid reply is highly appreciated to help us take the necessary actions of abortion as soon as possible.

Attached is a copy of the letter written by doctor Qasim, a therapist in the Tumors Department.

Examinations made by:

Dr. Muhammad Al-`Awad, consultant in Obstetrics and Genecology

Dr. Al-Na`im, consultant in Obstetrics and Genecology

Dr. Musleh consultant in Obstetrics and Genecology

The translated letter of Dr. Qasim is as follows:

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August 9, 1993 ADTo: Dr. T. Sabagh, the Manager of Obstetrics and Genecology DepartmentRef.: Patient (...)

Complaint: Nose and pharynx cancer during a seven-week pregnancy. Thank you for examining the said patient who suffers from nose and pharynx cancer. Examination proves that she has cancer. The seven-week pregnant woman has nine children; the youngest one is two years old. The various radiation scans and consequently the radiation cure and chemotherapy can not be used as they endanger the life of the fetus. Accordingly, your decision to abort the fetus medically is sound. She has an appointment with you today evening. Thank you for your cooperation.

Having discussed the query, the Committee replied as follows: There is nothing wrong with aborting the fetus as long as there is no cure except this one.

May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

(Part No. 21; Page No. 458)

Fatwa no. 16034

All praise be to Allah Alone, and peace and blessings be upon His final Prophet. The Permanent Committee for Scholarly Research and Ifta' has read the letter that was sent to his Eminence the Mufty (Islamic scholar qualified to issue legal opinions) by his Excellency the Officer of Islamic Awareness at the hospitals of Riyadh and Kharj. The letter reads: We present to Your Eminence the medical report of a patient who is receiving treatment at the hospital of the Armed Forces in Riyadh at the Obstetrics Department. Please issue a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah reward you good!

The translation of the medical report of Dr. Muhammad Azhar reads as follows: The female patient mentioned above entered the hospital two weeks ago while suffering from obstructive lung disorder and some difficulty in blood circulation. She received anti-thrombosis medication that improved her condition. Sound wave photography of the pelvis showed a deep thrombosis in the iliac vein. The same patient had vein thrombosis and obstructive lung disorder during her previous pregnancy and was

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treated with anti-thrombosis medication after giving birth to her baby. The patient is now in her sixth month of pregnancy and when we consider the dangers of anti-thrombosis medications and the obstructive disorder that may result from thrombosis, we feel that the pregnancy is a dangerous threat to her health. Please consider the situation of the patient and give us your opinion regarding the abortion of the fetus.

Furthermore, the medical report of Dr. Sabbagh, Dr. Kurdy, and Dr. Al-Juwayser reads as follows:

I received the letter of Dr. Muhammad Azhar, the respiratory system treatment consultant. According to the letter, the patient mentioned above is in the first trimester of pregnancy but suffers from a serious medical problem because of which Dr. Azhar has advised that an abortion must be performed. Having re-examined the medical status of the patient, I strongly agree with Dr. Azhar, for the patient's life will be endangered if pregnancy is allowed to continue. I thus advise that an abortion must be performed and hope the necessary legal steps will be taken in this regard.

After studying the matter, the Committee has issued a Fatwa, stating the permissibility of aborting the fetus of this patient based upon the reasons mentioned in the two medical reports.

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May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

Permanent Committee for Scholarly Research and Ifta'

| Member | Member | Member | Member | Deputy Chairman | Chairman |
|---|---|---|---|---|---|
| Bakr Abu Zayd | `Abdul- `Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul- `Aziz ibn `Abdullah ibn Baz |

Fatwa no. 18751

All praise be to Allah Alone, and peace and blessings be upon the last Prophet.

The Permanent Committee for Scholarly Research and Ifta' has read the letter sent to His Eminence the Mufti (Islamic scholar qualified to issue legal opinions) from His Excellence/ Assistant, Chief Justice of `Asir courts with number 1843 on 7/4/1417 A.H. that was forwarded to the General Secretariat of the Council of Senior Scholars with no. 1959 on 11/4/1417 A.H. His Eminence was inquiring about the following:

I hereby forward to Your Eminence the letter by the Manager of Abha Maternity Hospital and Healthcare Center with number 2188 on 7/4/1417 A.H. including the condition of a patient (F.M.S.Q). The medical committee decided the incapability of her becoming pregnant in the future and decided to abort her pregnancy by tying off the fallopian tubes, and the approval of both the wife and her husband was acquired. However, due to the complexity of preventing



pregnancy, I am submitting the issue before you for further study.

Please look into this case and provide us with the correct opinion.

Following is the medical report:

Name of the patient: (F.M.S.Q)

Age: 33 years

Nationality: Saudi

Gender: Female

Record no.: (..)

Address: Abha

Patient's complaint and the history of disease: The woman has been referred to Abha Maternity Hospital by the cardiac specialist at `Asir Central Hospital. The clinical examination indicates that: She suffers from cardiac depression and mitral valve leakage to the extent that she cannot sleep except over three pillows. She has been pregnant for about 40 days, and she has been transferred to Abha Hospital because her condition does not tolerate pregnancy. In addition, she takes Warfarin tablets, which may affect the formation of the embryo during the first phases of pregnancy and cause some deformities.

Diagnosis:



After acquiring the approval of the authorized judge, being informed of the husband's desire to abort the fetus, and receiving the cardiac consultant's report stating that the patient's condition does not allow pregnancy and the husband agreeing that it is too

**dangerous to operate in this condition, the local medical committee recommends tying off the Fallopian tubes along with terminating the pregnancy.**

**Member Member Member**

**Approved by / Abha Maternity Hospital Manager**

**After the committee has studied the Fatwa request, it gave the following answer:** Based on what is included in the report signed by a number of physicians, it is permissible to abort pregnancy and tie off the Fallopian Tubes to prevent future pregnancy for the reasons stated in the medical report.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Salih Al-Fawzan | \`Abdul-\`Aziz ibn \`Abdullah Al Al-Shaykh | \`Abdul-\`Aziz ibn \`Abdullah ibn Baz |

**Fatwa no. 19249**

**Q: I would like to tell your Eminence that I am a bus driver for a charitable society in `Afif. I had an accident in `Afif in Rajab, 1416 A.H.**

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**I was held responsible for the accident by 75%. A student died in the accident, but praise be to Allah, his family forgave me. I asked a judge who told me to fast for two consecutive months or to free a believing slave. If I had to fast, I could not fast for two consecutive months, since I am seventy-five-years old and ill due to the accident that affected my head. Besides, I had hard financial circumstances and could not pay money or free a slave. My second question is: Is there a Kaffarah (expiation) on me and is it permissible for me to fast two non-consecutive months? This is my ability, I can not fast them consecutively. Guide me, may Allah reward you with the best and guide you to what He likes and is pleased with.**

**A:** If the case is as you have mentioned, you should offer the Kaffarah, meaning to free a believing slave, and if you are unable to do so, you are to fast for two consecutive months. Allah (Exalted be He) says, (and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave) ... (And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh.) It is impermissible to fast two months inconsecutively, for

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continuity in Sawm is a must in this case. If you are not able to fast now, you can delay it until you recover.

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**Fatwa no. 19233**

**Q: Your Eminence, what is the ruling on the following problems that have happened to my mother around 30 years ago?**

**1. when she was pregnant in her eighth month, she carried a heavy load and the next day she had a miscarriage.**

**2. She got pregnant again and in the eighth month had a disease in her throat. The doctor gave her a gargle and warned her against swallowing it, but she did not care and swallowed it. Accordingly, she felt that the fetus was moving unnaturally in her womb and the next day she miscarried.**

**3. In the fifth month of her third pregnancy, she carried a heavy load after which she miscarried.**

**4. She did not know that she got pregnant for the fourth time, and a doctor gave her syrup for breathing difficulties**

(Part No. 21; Page No. 465)

**that resulted in another miscarriage.**

**Please, advise. May Allah reward you!**

**A:** Your mother must offer the kaffarah (expiation) assigned to involuntary manslaughter for the first, second and third miscarriages. Kaffarah is freeing one believing slave for every pregnancy that she was the reason behind its termination. If there are no slaves available, she must fast two consecutive months for every pregnancy she ended. However, there is nothing on her regarding the fourth time because the fetus was not formed yet and the spirit was not breathed into it. There is no harm on her to fast two months consecutively, then, take a rest and resume fasting the second two and so on.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 18788

**Q: I went out on a rainy night on Wednesday 19/1/1417 A.H., pulled my car over on the right side of the road, and got out to watch the heavy downpour. All of a sudden, a man riding a motorbike without headlights crashed into the rear of the car**

(Part No. 21; Page No. 466)

**which I was not inside. He fell down beside the car, and I tended to him until we reached the hospital; however, after four hours, he died. The traffic authorities told me that I am 25% responsible for the man's death, because I had not turned on the flashing rear lights. Am I obliged to make Kaffarah (expiation)?**

**A:** If the reality is as you mentioned, you must make kaffarah. It is to emancipate a believing slave, and if you are unable, you have to fast for two consecutive months, for Allah (Exalted be He) says: (and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave) up till: (And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months)

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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|---|---|---|---|
| Salih ibn Fawzan Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah Al Al-Shaykh | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 15233

**Q: I had an accident during which the driver of the other car died. The Traffic Administration concluded that it was my fault. The deceased was driving on the coast highway, which is a low speed public highway. I struck him from behind and thus caused his death. I had**

(Part No. 21; Page No. 467)

**my family with me and my son passed away during the accident (may Allah be merciful with him). The Judge ruled that I must free a slave or fast for two consecutive months (as Kaffarah (expiation) for causing the driver's death). Regarding my son's death, the judge did not prescribe any sentence on me. I asked several scholars about the matter. Some of them say that I have to fast for four months while others say that I have to fast for two consecutive months. Actually, I am confused, so I seek your advice in this regard.**

**A:** If the reality is as you mentioned, you have to make another Kaffarah for causing your son's death in the accident. the Kaffarah is to free a Muslim slave and if you do not find one, you must fast for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**Fatwa no. 15350**

**Q: I had my first child twenty years ago, and two years later, he was weaned. One day, he woke up around four o'clock in the morning and started crying out of hunger and thirst. I had a she-goat which I used to milk to serve my father, so I milked it and boiled the milk. When it was ready for the baby, a cat knocked over the pot and the milk was spilt on the ground. As such, I milked the she-goat again, but this time the child did not give me enough time to boil the milk and he took it from my hand and drank it.**

(Part No. 21; Page No. 468)

**Later, the baby died that afternoon and the hospital told me that he died of poisoning as the she-goat had been bitten by a snake. Am I to blame for anything? Should I make Kaffarah (expiation)? Bearing in mind that my father drank from the milk after boiling it and his injury was mild.**

**A:** If the reality is as you mentioned, you do not need to make kaffarah because you did not fall short in taking care of your baby, but this is Allah's Decree. All praise be to Allah!

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family, and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

| Member | Member | Member | Deputy Chairman | Chairman |
|---|---|---|---|---|
| `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-Razzaq `Afify | `Abdul-`Aziz ibn `Abdullah ibn Baz |

Fatwa no. 16590

**Q: There is an eighty-five-year-old woman whose heart is weak. The doctors prevented her from observing Sawm (fasting) in Ramadan. Her heart does not function normally, but is attached to a life support system, and she wants to observe Sawm as a kaffarah (expiation) for accidental killing. She slept with her daughter who was in her first year, so the girl died at once. Please advise concerning the ruling of Shari`ah (Islamic law) on this. Does she have to pay Sadaqah (voluntary charity) or emancipate a slave, given that she is neither able to observe Sawm nor to emancipate a slave?**

**A:** If this woman caused the death of her girl,



she has to pay Kaffarah, which is emancipating a slave. If she cannot do so, she has to observe Sawm for two consecutive months. Sawm is obligatory only if she cannot emancipate a slave.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

| Member | Member | Member | Member | Chairman |
|---|---|---|---|---|
| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

**Fatwa no. 15872**

**Q: Please be advised that while I was driving backwards, I hit another car, which in return hit two people, and one of them died. It was concluded by the Jeddah Traffic Department that I am the person responsible for this accident, and I was obliged to pay 75% of the Diyah (blood money) of the deceased. Please advise whether I have to observe Sawm (fasting) for two consecutive months?**

**A:** If the situation is as you have mentioned, you have to pay kaffarah (expiation), which is emancipating a believing slave. If you cannot do so, you have to observe Sawm for two consecutive months.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

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| Bakr Abu Zayd | `Abdul-`Aziz Al Al-Shaykh | Salih Al-Fawzan | `Abdullah ibn Ghudayyan | `Abdul-`Aziz ibn `Abdullah ibn Baz |

(Part No. 21; Page No. 470)

**Fatwa no. 15874**

**Q: I would like to tell your Eminence that my brother and I were traveling in the desert. On the road, the car hit a bump and my brother's head knocked against the roof of the car. I called at him but he did not reply until after nearly half an hour. I went with him to the hospital of Tathlith, though it is about 175km away. He went into the hospital on 28 Dhul-Hijjah, 1413 A.H. I visited him with the senior traffic officer and some of his relatives. He forwent me and signed to this. Later on, he was moved to the hospital of `Asir where he died on Wednesday night 12 Muharram, 1414 A.H. The reason of death as reported by forensic medicine was due to vasospasm after a fracture in the spine in the wake of a car accident. It is worth mentioning that I gave Diyah (blood money) to the deceased's family. I hope your Eminence could guide me to what I should do to fulfill Allah's Right over me. May Allah reward you well!**

**A:** If the case is as you have mentioned, you should offer Kaffarah (expiation) for involuntary manslaughter, which is freeing a believing slave and if you do not find, you should fast for two consecutive months.

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May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

**Permanent Committee for Scholarly Research and Ifta'**

| Member | Member | Member | Member | Chairman |
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**Fatwa no. 16558**

**Q: My 54-year-old father fell sick one year ago. He underwent an operation to remove the appendix in Al-Kharma General Hospital where he stayed for 21 days. Six months after leaving hospital, he had a car accident in which the driver of the other car died. We paid Diyah (blood money) to the deceased's heirs. Later my father had doubts regarding the obligation of fasting on him for that act. Three months after the accident, he suffered a blockage in the urinary tracts and needed laparoscopy. As a result, he became obsessed by doubts that he suffers an incurable disease. I took him to many hospitals and psychiatrists. Finally, they gave him a treatment for the prostate for months. Now, he eats and sleeps normally, but still receives the treatment.**

(Part No. 21; Page No. 472)

**When we ask him to fast, he says that he cannot as abstaining from water should affect his urinary tracts. I want to hear your Fatwa on this case. May Allah guide you!**

**A:** Your father must offer a Kaffarah (expiation) assigned for involuntary manslaughter. He has to free one believing slave. If there are none available, he must fast for two consecutive months and repent to Allah. If he is not able to fast, fasting will remain a duty that he must observe once he is able to. Similarly, if he missed some days in the past Ramadan, he has to fast them. It is not permissible for him to break his fasting due to his doubts and worries about the diseases he has. Only when a trustworthy Muslim doctor says that fasting entails harm, it will be permissible for him to break his fast and make up for these days later. If his disease is chronic, he has to pay Fidyah (ransom); feeding one Miskin (needy) for every day he breaks his fast in Ramadan. The Fidyah is one Sa` (1 Sa` = 2.172 kg) from the staple food in your area. As for the fasting of the Kaffarah (expiation), he should free one slave, if available, even out of his legacy after death. If it is not available and your father dies before observing the fasting, one of the heirs may fast on his behalf, this would be sufficient. The Prophet (may peace be upon him) said, (If anyone dies in a state (that he had to complete) some days of fast, his heir must fast on his behalf.) (Agreed upon by Al-Bukhari and Muslim).

May Allah grant us success! May peace and blessings be upon our Prophet, his family and Companions!

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(Part No. 21; Page No. 473)

Fatwa no. 17147

Q: I had an accident in 1412 A.H. wherein two persons died. I was driving the first car, and one of the deceased persons was accompanying me, and the other was driving the second car and he was riding alone. One of those accompanying me and I were badly injured in the accident. As a result, we were hospitalized for two months, and we still suffer from the aftereffects of the accident. When it took place, the traffic officers came and outlined the accident scene. They observed that the person who hit us cut off several vehicles and got out of line, but the mentioned driver hit me from behind. The right wheels of my car were outside of the main traffic line in order to escape him and avoid the accident, but he hit me and died instantaneously. One of the two persons who were riding with me died in the accident. The Traffic Administration concluded I was 25% at fault for the accident due to speeding. This is the usual decided percentage

(Part No. 21; Page No. 474)

in case someone is killed in the accident in order to make paying the Diyah (blood money) easy for the responsible person. It is worth mentioning that I had to go straight ahead on this public highway, otherwise I would have caused further damages. Please guide me concerning the following:

1- Do I have to fast as a Kaffarah (expiation) for causing any deaths, bearing in mind that it was the other driver's fault?

2- If I have to fast, will it be for the person who was riding with me in the car when the accident took place or for both dead persons?

3- If fasting is due, can I pay any compensation instead of fasting?

4- Will I bear a sin for delaying fasting during this period?

5- The traffic administration decided I was 25% at fault for speeding, and a fine is to be paid when someone dies in an accident. The other party was found 75% at fault but he died in the same accident and no one was with him in the car when the accident occurred. He cut in front of several cars and I evaded him but he followed and hit me.

Could you advise me regarding this case in detail? Is there any Fidyah (ransom) due and how many days must I fast?

(Part No. 21; Page No. 475)

A: If the reality is as you mentioned, that you are found 25% at fault of the accident, then you must make two Kaffarahs for the involuntary manslaughter. They are: to free two Muslim slaves and if you can not afford this, to fast for four months; each two month must be consecutive. Allah (Exalted be He) says: ﴿and whosoever kills a believer by mistake, (it is ordained that) he must set free a believing slave and a compensation (blood-money, i.e. Diya) be given to the deceased's family﴾ up

till: ﴾And whoso finds this (the penance of freeing a slave) beyond his means, he must fast for two consecutive months in order to seek repentance from Allâh. And Allâh is Ever All-Knowing, All-Wise.﴿

You were charged with having a part in involuntary manslaughter of two Muslims, so you must make the Kaffarah for killing both persons. the Kaffarah for involuntary manslaughter multiplies based on the number of the persons killed, just as Diyah, since each person killed is a separate individual without any bearing on the other.

In addition, there is no sin on you for delaying making Kaffarah for this period. You should hasten to make it in order to free yourself from the burden, unless you have an excuse.

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**Fatwa no. 15379**

**Q: Allah has decreed for me to have been involved in a car accident. One of my colleagues was riding with me while we were heading to Madinah as we work in Yanbu`. a huge truck suddenly came into our lane and struck us. This accident resulted in the death of my colleague (may Allah be merciful with him) and I suffered broken bones and bruises. All praise be to Allah, Allah has allowed me to recover and now my question is: Is it obligatory for me to make Kaffarah (expiation) for the death of my colleague, may Allah be merciful with him? It should be mentioned that the accident report prepared by engineers and competent people in authority in Madinah completely absolved me from any responsibility. The report stated that I was not responsible and that the truck driver was 100% at fault. Please give me a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard. May Allah preserve you and keep you safe to serve Islam!**

**A:** If the reality is as you mentioned, there is no Kaffarah due on you.

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Fatwa no. 15984

Praise be to Allah Alone and peace and blessings be upon the last Prophet!



The Permanent Committee for Scholarly Research and Ifta' has reviewed the issue referred to His Eminence, the Mufti from the judge of Al-Harjah, no. 504, on 6/4/1412 A.H. and enclosed is a letter which reads as follows: i had a car accident that caused the death of my 13 years old son. I am hereby informing you how the accident occurred that you may give us a Fatwa (legal opinion issued by a qualified Muslim scholar) in this regard, and guide us whether I should fast for two consecutive months or not. May Allah reward you!

On Tuesday 27 Shawwal, I was returning afternoon from the city of Zhahran in the south heading to the principality of Al-Harjah where I live. While I was driving at the speed of 90 kilometers per hour, I lost control of the car, which kept swaying right and left for no apparent reason. At that time, I felt as if something had blocked my vision, and in a matter of seconds, the car deviated and fell off a nearby bridge turning over twice until it stopped in a place under the bridge. As a result of this accident, one of my sons died, and a vertebra was broken in my back, while my other son's leg and two vertebras in my wife's back were broken. After I left the hospital,



I was not held liable for any responsibility, whether by the traffic authority or the judge. That is why I am submitting my question to Your Eminence hoping that you will give me the legal opinion in this regard. May Allah reward you good!

The issue was referred to His Eminence, the competent judge, for further clarification, and his reply no. 1357 on 19/3/1413 A.H. was referred to the Committee by the General Secretariat of the Council of Senior Scholars with no. 1357 on 19/3/1413 A.H. The content of the reply reads as follows: I inform Your Eminence that after reviewing the letter sent to us and conveying its content to the man in question, he said that at the time of the accident, he felt that he had a punctured tire and the car kept swaying right and left. The reason he did not stop the car was that when he grasped the steering wheel, he could not get a firm hold of it, and he tried hard to stop it by shifting into a lower gear but with no success and all of a sudden the car began to roll. The man has no copy of the traffic report of the accident, and as for the driving license, he already has one and its photocopy is enclosed in our letter.

**A:** After the Committee has studied the issue in question, it decided that if the reality is as mentioned, the said person is not to be blamed for anything, because he was not negligent when driving the car. The basic ruling is that a person is free from guilt unless there is evidence proving otherwise.

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Fatwa no. 15613

**Q: My father (may Allah be merciful with him) died in a car accident on the Makkah - Al-Ta'if road. Three of my brothers and my mother were accompanying my father when the accident took place. The children and my father died immediately. My mother was hospitalized, but her injuries were so severe that she died after leaving the hospital, one month and a half after my father's death. Considering that the Traffic Administration report concluded that my father was 70% at fault of the accident, please answer my following questions:**

**1- Is there any Kaffarah (expiation) obligatory on my father and what is it? Should the deceased or his living relatives make it?**

**2- If Kaffarah is due, can you give us an exact description of it?**

**3- If my father is obligated to make Kaffarah, would it be best to fast, free a slave or feed the needy?**

**4- We are two brothers and two sisters. If a Kaffarah is due, is it permissible to divide the number of days that should be observed fast between the brothers; or only one of us must fast them?**

(Part No. 21; Page No. 480)

**5- If one of the brothers volunteers to make Kaffarah by fasting on behalf of the father, should he fast the whole period continuously or take a break after each two consecutive months of fasting (i.e., the Kaffarah for involuntary causing one person's death)?**

**6- If the period of fasting as a Kaffarah is interrupted due to an illness or taking a medicine, is it obligatory to restart the fast?**

**7- Should a woman make up for her missed days of fasting as Kaffarah during her menstruation or postpartum period? If not, what should she do?**

**Peace be upon you!**

**A:** After the Committee has studied the questions, it gave the following answer: **Firstly:** If the reality is as you mentioned, four Kaffarahs are due on your father because four persons (other than your father) have died because of the accident. One Kaffarah is fulfilled by freeing a believing slave, and if unable to do so, by fasting for two successive months.

**Secondly:** It is Mustahab (desirable) for the heirs of the deceased to fast on his behalf, as it is confirmed that the Prophet (peace be upon him) said, ("Anyone who dies and have some days of fasting, their heir should fast them for them.") This is done in case freeing a slave is not available.

**Thirdly:** It is permissible for anyone who volunteers to fast as Kaffarah on behalf of the father to fast for two months (i.e. the period due for involuntary killing one person) and have a break before fasting the period of the next Kaffarah.

**Fourthly:** The period of fasting as Kaffarah must not be interrupted; however, when a woman menstruates, has postpartum bleeding

falls ill, or has any excuse that renders breaking the fast permissible such as traveling etc., the period of fasting is not considered interrupted and she should resume when the excuse no longer exists.

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Fatwa no. 16891

**Q: I am a police officer working in the district of Al-Qunfudhah. On 18/9/1407 A.H., at 2:30 p.m., during my night shift, I drove my colleague from Qunfudhah to the district of Muzhaylif. While we drove to the main road, we saw a herd of camels walking along the sides of the road. I stopped the car and got out to push the camels away. My colleague did not get out. Having made sure that the road was empty, I drove the camels to cross the road. Only one camel stood in the middle of the road. Ten meters away from it, I threw stones at it to push it away from the road. At that time, a car hit it and then hit our car standing along the sidewalk. As a result, my colleague who stood beside the car was killed. Since then,**

(Part No. 21; Page No. 482)

**I am not at peace with the world. It should be noted that the traffic police decided that the driver who hit the camels is fully responsible for the accident and my colleague's death. I fear that I share part of responsibility because of my driving the camels away from the road. I hope your Eminence will tell me whether I am sinful and have to offer Kaffarah (expiation) or not. It is noteworthy that the driver has paid the Diyah (blood money). May Allah preserve you!**

**A:** If the reality is as you have mentioned, you will not be sinful. It is the driver, not you, who caused the accident and the death.

May Allah grant us success! May peace and blessings of Allah be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 16851

**Q 1: I gave birth to a boy. When he was three months old, he caught a severe cold. He cried a lot at night, so I took him to sleep with me in bed. In the morning, he was found dead, and there were no clothes near him on the bed.**



**What should I do in this case?**

**A:** If the situation is as you have mentioned, you do not have to make kaffarah (expiation), as you did not commit any fault that caused his death.

**Q 2: I had a girl later. One night, I woke up to breastfeed her. Then, I fell asleep. In the morning, I found the bed cover on her face and she was dead. Please advise concerning the situation mentioned above. May Allah protect you.**

**A:** If the situation is as you have mentioned, you have to offer a Kaffarah, as you committed a fault that caused her death. The Kaffarah is emancipating a believing slave. If you cannot do so, you have to observe Sawm (fasting) for two consecutive months to perform Tawbah (repentance to Allah).

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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Fatwa no. 18378

**Q: Please be advised that I am a married man, and my wife was pregnant. in the seventh month of her pregnancy, i had intercourse with her.**

(Part No. 21; Page No. 484)

**Shortly after it, she felt severe pain, so I carried her to the hospital. After examination, the doctors told me that she is in labor. She gave birth to a boy, who died half an hour later. Please advise concerning this situation, and whether I have to offer Kaffarah (expiation). Please clarify the matter. May Allah protect you and support you.**

**A:** If the situation is as you have mentioned, you do not have to pay Kaffarah, as you are not responsible for the baby's death. Having intercourse with your wife is a permissible thing, and the original ruling is innocence unless proven otherwise.

May Allah grant us success! May peace and blessings be upon our Prophet Muhammad, his family and Companions!

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